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COMMENTS AND RESPONSES

# 201 FOLSOM STREET

SAN FRANCISCO PLANNING DEPARTMENT  
2000.1073E

STATE CLEARINGHOUSE NO. 2001072092

DRAFT EIR PUBLICATION DATE:  
SEPTEMBER 14, 2002

DRAFT EIR PUBLIC HEARING DATE:  
NOVEMBER 26, 2002

DRAFT EIR PUBLIC COMMENT PERIOD:  
SEPTEMBER 14, 2002 TO DECEMBER 2, 2002

FINAL EIR CERTIFICATION DATE:  
JUNE 19, 2003

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# 201 Folsom Street Comments and Responses

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## A. INTRODUCTION AND LIST OF COMMENTORS

### ORGANIZATION OF THIS COMMENTS AND RESPONSES DOCUMENT

This Comments and Responses document presents summaries of the public comments received on the Draft Environmental Impact Report (EIR) for the 201 Folsom Street project and responses to those comments. This introduction includes a list of those who provided written comments and/or oral testimony at the public hearing on the project. Section B presents refinements to the project proposed by the project sponsor since the Draft EIR was published. Section C, Comments and Responses, presents all substantive comments made at the Draft EIR public comment hearing before the Planning Commission on November 26, 2002, and all written comments received during the public review period of September 14 to December 2, 2002. Section D presents staff-initiated text changes.

The comments in Section C are shown as direct quotations that have been edited to delete repetition and non-substantive material only. Minor edits may have been made to the public hearing transcript for clarification. Editorial changes to the comments are shown in square brackets. The comments have been organized by topics that generally correspond to the topics in the Table of Contents of the Draft EIR. Comments from different letters addressing the same issue are grouped together and addressed in one response. Because of this, the order of the comments from a particular letter may vary from that of the original. All comment letters and the transcript of the public hearing on the 201 Folsom Street project are presented in their entirety in Exhibits 1 and 2, respectively.

The responses generally provide clarification of the Draft EIR. Each group of comments is followed by its set of responses. The responses include changes in, or additions to, the Draft EIR. Text changes are indented and the new or revised text is shown in **boldface** type. The subject matter of one topic may overlap with that of other topics, so the reader must occasionally refer to more than one group of comments and responses to review all the information on a given subject. Cross-references are provided in these instances.

It should be noted that the Response to Comments component of the environmental review process is intended to respond to comments on the adequacy of the approach and analysis in a Draft EIR. Comments regarding the merits of and concerns about the project are more appropriately directed to the Planning Commission to assist with their decision of whether or not to approve the project, a decision that will be made at a public hearing subsequent to certification

(determination of completeness) of the Final EIR. In order to approve the project, the Planning Commission would be required to adopt a Statement of Overriding Considerations, as required by CEQA, to explain the greater public good that would be achieved despite the significant unavoidable impacts that would occur as identified in the EIR. Some comments do not pertain to physical environmental issues, but, in some instances, responses are included to provide additional information for use by decision-makers.

These comments and responses will be incorporated into the Final EIR as a new chapter.

## **LIST OF COMMENTORS**

The following individuals submitted written comments during the public comment period of September 14 to December 2, 2002, and/or provided oral testimony at the public hearing on November 26, 2002, on the 201 Folsom Street Draft EIR.

Michael J. Antonini, Commission Vice-President, San Francisco Planning Commission (public hearing comments)

Reed H. Bement (written comments, November 18, 2002)

Reed H. Bement (cover letter, November 18, 2002, and two copies of a petition, with a total of 40 signatures, signed by residents of 75 Folsom Street [38 signatures], 229 Brannan Street [1 signature], and 88 Howard Street [1 signature]. The petition is dated November 6, 2002)

Gwenyth Borden (public hearing comments)

Roger Brandon (public hearing comments)

Andrew Phipps Brooks, General Manager, on behalf of the BayCrest Towers Residential Association Board of Directors (written comments, December 2, 2002)

Elizabeth Carney (public hearing comments)

Bobbie Carter (written comments, December 2, 2002, and public hearing comments)

Alexandria Chun (written comments, November 6, 2002, and public hearing comments)

A. Introduction and List of Commentors

Barbara J. Cook, P.E., Chief, Northern California - Coastal Cleanup Operations Branch,  
Department of Toxic Substances Control (written comments, October 18, 2002)

Patricia J. Fodor (written comments, November 24, 2002)

Peter Hartman (written comments, November 22, 2002)

Sue Hestor (public hearing comments)

William Lee, Commissioner, San Francisco Planning Commission (public hearing comments)

James D. Lowé, Transit Planner, for Peter Straus, Manager of Service Planning, Muni (written  
comments, October 7, 2002)

Mary Anne Miller (public hearing comments)

Judith Patterson (public hearing comments)

Residents of 461 2<sup>nd</sup> Street (petition with nine signatures, November 6, 2002)

Lloyd Schloegel (written comments, November 26, 2002)

Ted Soderberg (written comments, September 16, 2002)

Steve Vettel, on behalf of Jim Chappell, President of SPUR (public hearing comments)

Alan R. Zahradnik, Planning Director, Golden Gate Bridge, Highway and Transportation District  
(written comments, October 28, 2002)



## **B. REVISIONS TO THE PROPOSED PROJECT**

The Draft Environmental Impact Report (Draft EIR) prepared for the proposed 201 Folsom Street project, published on September 14, 2002 (File No. 2000.1073F), analyzes rezoning certain parcels in the Rincon Hill neighborhood (the “rezoning project”) and construction of a residential development of approximately 1,500,000 gross square feet (gsf) at 201 Folsom Street (the “development project”). The property is currently used as a paved parking lot for about 270 vehicles.

The development project analyzed in the Draft EIR was for construction of up to 820 residential units, about 30,000 gsf of retail space, about 880 enclosed parking spaces and five loading spaces for the use of the development, and about 270 subsurface parking spaces for the use of the U.S. Government. Parking spaces were proposed to be provided in three levels of underground parking and five levels of above-ground parking. An 80-foot-tall building base was proposed to be built to the property lines on Spear, Main and Beale Streets. A 27-foot-wide service drive accessing the parking levels was proposed to run the length of the site from Beale Street to Main Street in the southern part of the building, and a 15-foot-wide pedestrian walkway (effective width 10 feet) was proposed to parallel this service drive at the southern property line abutting the U.S. Postal Service Annex building. Two residential towers would rise above the building base to total heights of approximately 350 feet and 400 feet above the ground level, respectively. The development project would require a subdivision of Lot 1 to separate the development site from the U.S. Postal Service Annex.

The issues studied in the Draft EIR included land use, zoning and plan consistency, visual quality and urban design, transportation, air quality, shadows and wind, and growth inducement. The Draft EIR concluded that the proposed development project would result in project-specific and cumulative transportation impacts; it would cause the intersection of Fremont and Harrison Streets to degrade from Level of Service (LOS) D to LOS E; and it would contribute to significant cumulative traffic impacts at the intersections of Fremont and Harrison Streets, and Main and Harrison Streets, operating at LOS F under projected 2020 cumulative conditions.

The following discussion regarding a revised project has been added to the Final EIR in Chapter II, Project Description at the end of Subsection II.D, Project Characteristics on p. 54, and at the end of each topic discussion in Chapter III, Setting and Impacts, as appropriate. In addition, a summary of these revisions has been added to Chapter I, Summary, in the Final EIR.

## PROPOSED REVISIONS TO THE PROJECT

After publication of the Draft EIR, the project sponsor revised the development project and made minor changes and clarifications to requested amendments to Planning Code text. Requested amendments to height and bulk limits and the zoning map have not changed from those analyzed in the EIR.

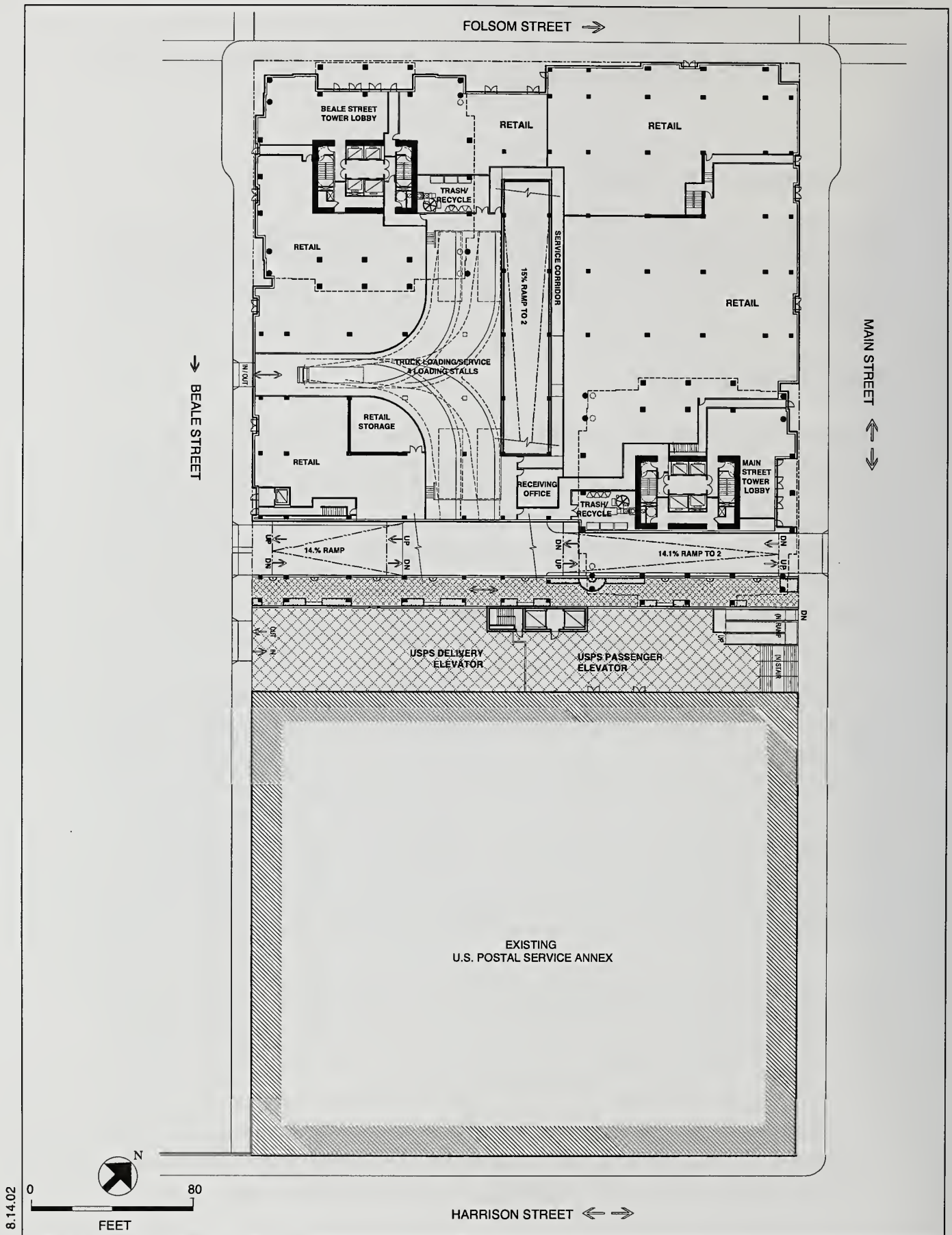
### Revised Development Project

The revised development project would be a high-rise residential building with up to 725 residential units in 825,000 gsf of space, and 38,000 gsf of retail space. It would provide about 753 above- and below-grade parking spaces for residential and commercial uses (725 spaces for residential and 28 spaces for commercial uses), about 272 below-grade parking spaces for the use of the U.S. Government. It would provide four off-street freight loading docks; each dock would be approximately 12 feet wide and 35 feet long with a 14-foot vertical clearance. The revised project would provide about 30,740 gsf of common open space in the form of terraces; about 5,510 gsf of private open space; and about 750 gsf of publicly accessible open space.

The revised development project would include up to 95 fewer residential units than were analyzed in the Draft EIR, and residential gross floor area would be reduced by about 85,000 gsf. Retail floor area would be increased by about 8,000 gsf. The revised project would include up to 125 fewer parking spaces in three below- and four above-grade (a total of seven) levels; there would be one less above-grade parking level. The changes in parking would include about 32 fewer spaces for the commercial use, up to 95 fewer spaces for the residential use, and two additional spaces for use by the U.S. Government. Parking spaces designated for the U.S. Government would continue to be on the two lowest below-grade levels. (See Figure 19a: Revised Project First-Floor Plan, and Figure 19b: Revised Project Building Section.)

In the revised project, the pedestrian bridge proposed to provide direct access to the U.S. Government parking from the USPS Annex via elevator would be at the second instead of the third level. The revised project would provide one less loading space; trash facilities would be located adjacent to instead of within the loading docks area.

The total amount of residential open space required under the requested rezoning would be less than with the project in the Draft EIR because the revised development project would include up to 95 fewer residential units; the revised project would reduce common open space by about



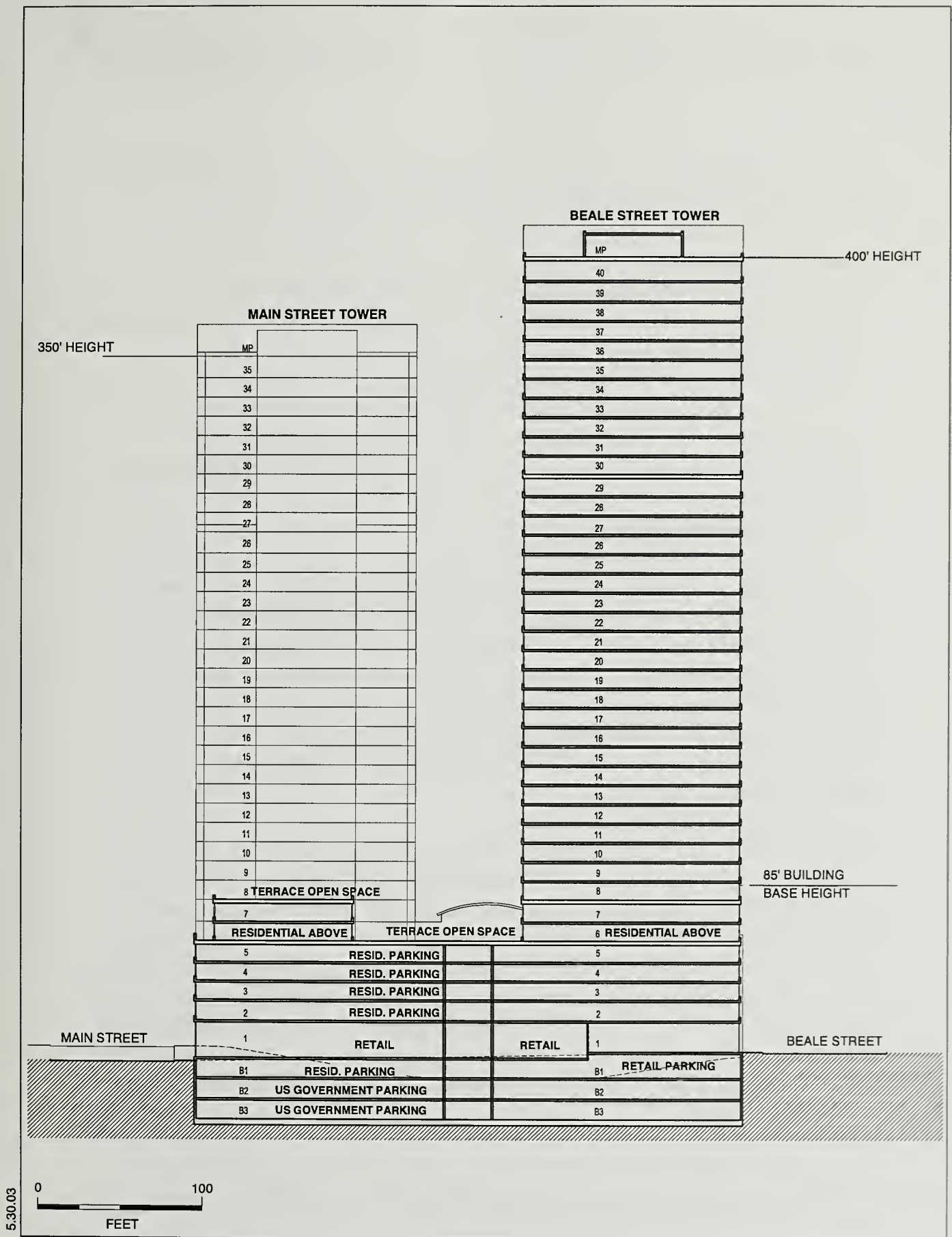
SOURCE: Heller • Manus and Turnstone Consulting

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FIGURE 19a (NEW): REVISED PROJECT FIRST-FLOOR PLAN  
C&R-6





SOURCE: Heller • Manus and Turnstone Consulting

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FIGURE 19b (NEW): REVISED PROJECT BUILDING SECTION

C&R-7

## B. Revisions to the Proposed Project

6,010 gsf and increase private open space by about 760 gsf. The revised project would provide a new 750-gsf entry plaza mid-block along Folsom Street for the retail use.

The revised design, with its two residential towers rising above an 80-foot-tall building base to total heights of about 350 and 400 feet above street level, would be similar to the project analyzed in the Draft EIR. However, floor-to-floor heights throughout the building would be reconfigured such that (i) the 80-foot-tall building base would have seven stories instead of nine and (ii) the two towers would rise 28 and 33 stories above the building base, respectively, instead of the 27 and 32 stories proposed by the project analyzed in the Draft EIR.<sup>1</sup> As previously proposed, the building base would contain residential uses and parking with some retail space, while the towers would contain residential uses. Residential units would be located on the sixth through seventh levels of the building base above parking and commercial uses, instead of the seventh, eighth and ninth levels, as previously proposed.

As with the project analyzed in the Draft EIR, the revised building base design would be built to the property lines on Beale, Folsom and Main Streets, with the exception of slight recesses (or notched outlines) and entry plaza mid-block along Folsom Street. Open space for residents would also be configured slightly differently, but would continue to be in the form of roof terraces on the building base and a roof deck with the fitness center. The two terraces at the eighth level would provide approximately 8,050 gsf of common open space each (a total of 16,100 gsf), instead of the 11,000 gsf of space each (a total of 22,000 gsf) proposed by the project analyzed in the Draft EIR.

The revised project would provide setbacks at similar heights from street level as would the project analyzed in the Draft EIR. Due to reconfiguration of floor-to-floor heights, the revised project design would be slightly different. These differences include: (i) the building base would be set back about ten feet from Folsom Street above the fifth instead of above the sixth level; (ii) private patios would be provided at these setbacks along Main and Beale Streets, on the sixth instead of the seventh level; (iii) terraces would be provided above the building base on the eighth instead of the ninth level; and (iv) setbacks at corners of towers would be above different floors as compared to the project analyzed in the Draft EIR, therefore Main Street Tower would be set back above 26<sup>th</sup> instead of the 25<sup>th</sup> level and Beale Street Tower would be set back above 29<sup>th</sup> instead of the 27<sup>th</sup> level.

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<sup>1</sup> Total number of stories in the revised building (base plus each tower) would be 35 and 40, instead of the 36 and 41 stories proposed by the project analyzed in the Draft EIR.

## B. Revisions to the Proposed Project

Similar to the project analyzed in the Draft EIR, the exterior of the building base and towers would have a combination of stone, precast concrete elements, glass curtain-wall system, recessed window units, and terraces and balconies. In addition, the revised design would have bay windows. At the upper levels, the revised project would replace vertical precast concrete piers with metal panels for the exterior skin of the towers. Glass curtain walls as tower facade treatment and floor-to-ceiling glass windows for the tower corners would continue to be used.

Table C&R-1 shows a comparison of the Draft EIR development project and the revised development project.

### **Revised Requested Rezoning Project**

The project sponsor has also made minor changes and clarifications to the proposed Planning Code text amendments included in Appendix B of the EIR. For new construction, maximum non-residential FAR would be reduced from the 5:1 originally proposed to 0.75:1. The minimum residential parking requirement of 1 space per unit would be deleted, but 1 space per unit would still be allowed. Maximum allowable base height would be increased from 80 feet to 85 feet, and other provisions using the base height would be changed to be consistent. Affordable housing provisions specific to the proposal would be deleted; the rezoning area would be subject to citywide inclusionary housing requirements. The changes would clarify that residential open space in the rezoning area is not subject to Section 135 of the Code and that limits in the Rincon Hill SUD on parking in portions of buildings near Folsom and other streets only apply to parking at street grade.

The reduced non-residential FAR would limit non-residential floor area in any development project on the 201 Folsom Street site to approximately 56,720 square feet; the revised development project evaluated here would contain about 38,000 gsf of non-residential uses (retail).

### **Approvals Required for Revised Project**

The revised project would require the same approvals as were identified for the project analyzed in the Draft EIR. These are:

- Amend Planning Code Zoning Maps to rezone privately owned parts of existing P (Public) District to RC-4 (Residential-Commercial Combined: High Density), increase



**Table C&R-1: Comparison of the Draft EIR Development Project to the Revised Development Project**

<u>Characteristic</u>	<u>Draft EIR Project</u>	<u>Revised Project</u>
Height (from Street)		
Main Street Tower	350 feet	350 feet
Beale Street Tower	400 feet	400 feet
Building Base	80 feet	80 feet
Number of Stories		
Main Street Tower	36 stories	35 stories
Beale Street Tower	41 stories	40 stories
Parking Levels	3 levels below grade 5 levels above grade	3 levels below grade 4 levels above grade
Number of Residential Units	Up to 820 units	Up to 725 units
Residential Floor Area	910,000 gsf	825,000 gsf
Retail Floor Area	30,000 gsf	38,000 gsf
Open Space		
Publicly Accessible	none	750 gsf
Residential Common	36,750 gsf	30,740 gsf
Residential Private	4,750 gsf	5,510 gsf
Number of Parking Spaces		
Residential	820	725
Commercial	<u>60</u>	<u>28</u>
Total Development Parking	880	753
U.S. Government Parking	270	272
Number of Loading Docks	5	4

Source: Heller • Manus, Turnstone Consulting

height limits from 105, 150 and 200 feet to 300 and 400 feet, and change bulk limit from R to W.

- Amend Planning Code Text to add a new Residential/Commercial subdistrict to the Rincon Hill SUD.
- Amend *General Plan Rincon Hill Area Plan*.
- Conditional Use Authorization/Planned Unit Development (PUD) for buildings taller than 40 feet in an R district.

## B. Revisions to the Proposed Project

- Exception under Planning Code Section 249.1(b)(3)(B) for development causing ground-level winds to exceed comfort criteria.
- Subdivide Block 3746, Lot 1.
- Site Permit.

The revised project would be reviewed by the Planning Department, the Planning Commission, and the Board of Supervisors in the context of applicable objectives and policies of the General Plan.

## EVALUATION OF THE REVISED PROJECT

Section 31.19(c)(1) of the San Francisco Administrative Code states that a modified project must be reevaluated and that, “If, on a basis of such evaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter.” The CEQA Guidelines call for additional environmental documentation unless the lead agency determines that the changes that are proposed for the project could not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

A comparison of the potential environmental impacts found that the revised project would either have substantially the same or slightly less environmental impacts than the development project analyzed in the Draft EIR. No new significant impacts were found and no substantial increases were found in impacts identified as significant environmental impacts. The differences in impacts are discussed below by topic. All mitigation measures and improvement measures identified in the Draft EIR would be applicable to the revised project, and those identified as included in the project would continue to be included.

### **Land Use, Zoning, and Plan Consistency**

Land Use, Zoning, and Plan Consistency changes that would result with implementation of the project are set forth in the Draft EIR on pp. 56-87 and in the Initial Study (Appendix A) on pp. 13-16. The evaluation found that the proposed change in land use would constitute a substantial intensification of land use at the development site. This change would continue and extend existing and planned uses in the area. The project would not disrupt or divide an established

community, nor would it adversely affect the existing character of the vicinity. Therefore, the proposed change in land use would not be a significant impact. With the proposed revisions, the development project would include residential, retail and parking uses, which would be compatible with existing and planned uses in the area. Therefore, it would not have a significant impact on land use.

Effects of the revised requested rezoning would remain the same as described in the Draft EIR except that commercial (non-residential) space would be limited to a total of about 113,400 gsf on both the project site and adjacent 300 Spear Street site. Physical effects that would occur with the requested rezoning due to changing the controls in the *Rincon Hill Area Plan* of the *San Francisco General Plan* would be the same as discussed in the Draft EIR, encouraging taller, mixed residential/commercial buildings; commercial uses would likely be confined to the ground floor under the requested rezoning. Therefore, full development under the requested rezoning would be somewhat less and its impacts would be less than or the same as discussed under each topic in the Draft EIR.

#### **Visual Quality and Urban Design**

Changes to the visual quality and urban design of the existing environment that would result with the implementation of the development project evaluated in the Draft EIR are set forth on pp. 88-105 and in the Initial Study (Appendix A) on pp. 16-17. The building design of the revised development project would have the same tower heights above an 80-foot-tall base structure and would be visually similar to the project in the Draft EIR. Unlike the Draft EIR project, the building base would be built to the property lines, but would have slight recesses (or notched outlines) and a new entry plaza mid-block along Folsom Street. Minor design changes to the upper base building and towers due to reconfiguration of floor-to-floor heights throughout the building would not be apparent in distant views or from the street. The exterior of the development project would be similar to the building exterior proposed by the Draft EIR, the exception being that the revised design would have bay windows, and would replace vertical precast concrete piers with metal panels for the tower exteriors.

The revised development project, together with the similarly scaled 300 Spear Street, proposed within the area of the requested rezoning, would constitute a substantial change in the visual environment south of Folsom Street, as would the project evaluated in the Draft EIR. The Draft EIR noted that the development project would not substantially change important view corridors or obstruct scenic views. The revised project, with two towers of the same height, and orientation and similar bulk, would be viewed in a similar manner.



## B. Revisions to the Proposed Project

The revised development project, like the Draft EIR proposal, would not be substantially incompatible with the surrounding environment by introducing structures of substantially greater size, mass, and scale into the area. Large expanses of vacant land in close proximity to the dense downtown core, including the development site, characterize much of the immediate vicinity. The project vicinity is not characterized by an established, cohesive, distinctive or fragile visual character that would be degraded by the proposed development project.

Similar to the Draft EIR proposal, the revised 201 Folsom Street building would include features that are intended to enhance the pedestrian environment, convey a sense of human scale and visual interest at street level and create continuity with nearby existing and future buildings.

For these reasons, the revised project would not result in significant adverse impacts on visual quality and urban design in San Francisco.

### **Transportation**

Transportation impacts that would result with the implementation of the development project analyzed in the Draft EIR are set forth on pp. 106-134. Overall, the weekday daily and p.m. peak hour trip generation with the revised development project would be about the same as that shown in the Draft EIR. There would be about 365 more daily person trips (12,055 for the revised project compared to 11,688) and about 35 fewer p.m. peak hour person trips. The increase in total daily trips would occur because, although there would be fewer residential units, retail space would increase; the number of additional trips generated on a daily basis by the increase in retail space would more than offset the reduction in daily trips with 95 fewer residential units. Residential uses generate a greater proportion of trips during the p.m. peak hour than do retail uses. Therefore, during the p.m. peak hour, the increase in retail trips would be offset by the decrease in trips from the reduced number of residential units.

The revised development project would generate about 251 p.m. peak hour vehicle trips, about 13 fewer than the 264 vehicle trips shown in the Draft EIR. The proportion of trips inbound and outbound from the project site during the p.m. peak hour would remain about the same, at approximately 65 percent inbound and 35 percent outbound. The 13-trip decrease in p.m. peak hour vehicle trips would not be sufficient to change the results in the Draft EIR showing that the development project would cause the Fremont and Harrison Streets intersection to worsen from LOS D to LOS E, and that the development project would contribute to significant cumulative

impacts at Fremont and Harrison Streets and Main and Harrison Streets. Thus, the revised project would have the same project-specific and cumulative traffic impacts as those described in the Draft EIR.

About 431 p.m. peak hour transit trips would be generated by the revised development project. This is about 32 fewer than the approximately 463 transit trips shown in the Draft EIR. The additional retail space in the revised development project would generate about 15 more transit trips, and the reduced number of residential units would generate about 47 fewer transit trips, for a net reduction of 32 compared to the p.m. peak hour total in the Draft EIR. As with the development project analyzed in the Draft EIR, transit trips generated by the revised development project would not substantially affect nearby transit service.

The revised development project would have a demand for about 993 parking spaces, in addition to the 270 replacement spaces for the U.S. Government. This is about 41 more spaces than the demand generated by the development project analyzed in the Draft EIR; the increase results from the additional retail space proposed, with a parking demand that offsets the reduction in the residential parking demand. The midday parking shortfall would be about 261 parking spaces, about 6 more than identified in the Draft EIR. As explained in the Draft EIR, the parking shortfall would make it more difficult for motorists to find parking in the two-block-radius parking study area.

The revised development project would generate somewhat less demand for loading docks. The reduction in residential area would reduce the number of loading docks required under the Planning Code from four to three spaces. One loading dock would continue to be required for the retail space, for a total of four loading docks, one fewer than required for the development project analyzed in the Draft EIR.

The revised requested rezoning would generate somewhat fewer person and vehicle trips under full development with the maximum allowable commercial space than would be generated by full development under the requested rezoning analyzed in the Draft EIR. The reduction in the amount of allowable commercial space, about 156,000 gsf, could reduce traffic impacts, but would not reduce them to less-than-significant levels.

### Air Quality

Air Quality effects that would result from implementation of the development project analyzed in the EIR are set forth on pp. 135-144 and in the Initial Study (Appendix A) on pp. 23-24. The



## B. Revisions to the Proposed Project

Draft EIR concluded that the development project's effects on air quality would be less than significant. The revised development project's effects on air quality would be the same as those described in the Draft EIR, because it would generate substantially the same number of daily vehicle trips as the development project analyzed in the Draft EIR. Therefore, the revised development project also would not result in significant air quality impacts.

### **Shadows and Wind**

#### **Shadows**

The Initial Study determined that the development project would not have a significant shadow effect under Planning Code Section 295 because it would not shade open spaces under the jurisdiction of the Recreation and Park Department (see Appendix A, p. 25). Similarly, the revised project would not shade any public open spaces under the jurisdiction of the Recreation and Park Department. Therefore, the shadow impact of the revised development project would also be considered less than significant.

For informational purposes, the Draft EIR discussed the development project's shadow effects on nearby publicly owned or controlled open space areas ("public open space") that are not subject to Planning Code 295; on publicly accessible open space areas associated with development on privately-owned land ("publicly accessible open space"); and on sidewalks (see pp. 145-154 of the Draft EIR). The Draft EIR noted that the proposed project would cast shadows on local sidewalks. It would shade portions of Rincon Park in the afternoon hours during the months of October through February, and it would also shadow publicly accessible open space at 221 Main Street in the morning and midday around the winter solstice. As with the project evaluated in the Draft EIR, the shadow impacts of the revised project are determined to be less than significant.

#### **Wind**

The Draft EIR discussed the wind effects of the development project on pp. 154-164, and concluded that the effects would be less than significant, because the project would not cause hazardous wind conditions at the ground level. Changes in building design due to the revised development project are minor and would not be expected to change the results presented in the Draft EIR; therefore, the impacts would be less than significant.

**Conclusions**

The revised project as described above was evaluated for its potential for significant environmental impacts particularly in relationship to the project analyzed in the Draft EIR. The evaluation found that the revised project would result in less-intense land use. In addition, the evaluation found that there would be no new significant environmental effects. The reduction in residential units and the number of parking spaces in the revised development project, as well as the reduction in the revised requested rezoning in commercial (non-residential) uses, would result in environmental impacts that would either be less than or substantially the same as the project analyzed in the Draft EIR.

## C. COMMENTS AND RESPONSES

### LAND USE AND PLANS

#### Land Use

#### **Sidewalk Widening / Site Coverage / Open Space**

##### *Comment*

The Rincon Hill Area Plan calls for significant open space, including the widening of a number of sidewalks. The present projects not only calls for the elimination of the widening of sidewalks but, in addition, provides for 100% site coverage as compared to the existing allowable 80% coverage. Also, as previously noted, these projects provide for nearly 40% less open space than is called for by the Plan. . Although these facts can be found with some difficulty in the EIR, the impact of these facts upon the neighborhood is not discussed. (*Reed H. Bement*)

##### *Response*

The 201 Folsom Street development site is located in the Residential subdistrict of the Rincon Hill Special Use District (SUD), adopted in 1985. The project requests a Planning Code text amendment creating a new Residential/Commercial subdistrict under the Rincon Hill SUD and establishing development controls for the new subdistrict (see Chapter II, Project Description, pp. 29-39 and Appendix B, Requested Amendments to Planning Code and General Plan, pp. B-2-B-19, of the EIR).<sup>1</sup> This requested rezoning is analyzed in Section III.A, Land Use, Zoning, and Plan Consistency, pp. 56-87, and physical impacts of the requested rezoning are studied throughout the EIR. The provisions of the requested rezoning referred to in this comment do not raise environmental issues, and this response is for informational purposes only.

##### *Sidewalk Widening*

Requested amendments to the *General Plan's Rincon Hill Area Plan* that call for eliminating the planned reductions in widths of Main, Beale, and Spear Streets are presented in the EIR, on pp. 36 and 38. The impacts of amending the *Rincon Hill Area Plan* Objectives and Policies related to narrowing Main, Beale and Spear Streets are discussed in Section III.A, Land Use, Zoning and Plan Consistency, pp. 82-83. As stated on p. 83, such changes would revise the

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<sup>1</sup> Appendix B of the EIR, Requested Amendments to Planning Code and General Plan, presents the full text of the new subdistrict and zoning changes requested.

*Rincon Hill Area Plan* to make it consistent with the requested rezoning. However, it would not result in any change to existing physical conditions on Main, Beale and Spear Streets, and therefore would not be considered an environmental impact under the California Environmental Quality Act (CEQA).

#### *Site Coverage Controls*

Chapter II, Project Description, p. 36, discusses the project's rezoning request for permitting 100 percent site coverage instead of the required 80 percent site coverage provided by the existing Rincon Hill SUD zoning provisions for properties in the proposed new Residential/Commercial subdistrict. The requested changes and the existing controls governing site coverage are compared in Table 1, Rincon Hill SUD - Existing and Requested Rezoning, on p. 76, and are discussed on pp. 75 and 83. As explained on p. 85, the requested rezoning would permit higher densities but would not cause significant adverse land use changes.

#### *Open Space Area Requirements*

The requested rezoning includes changes to open space area requirements for the new Residential/Commercial subdistrict, as described in Chapter II, Project Description, on pp. 36-39. More detail about the requested changes to open space area requirements is provided in Table 1, on p. 78. Effects of the requested rezoning are discussed on p. 80 and pp. 84-85.

The existing zoning controls require 1 square foot of open space for every 13 square feet of gross floor area of dwelling units within the Residential subdistrict, as noted in Table 1 on p. 78. The project requests revisions to the existing open space requirements. Under these revisions, open space would be required (i) at the ratio of 1:50 for non-residential uses and (ii) at the ratio of 36 sq. ft. of private open space for each residential unit, and (iii) common usable open space may be substituted for private open space at the rate of 133 percent of the amount of required private open space. The proposed open space requirements are similar to those in other residential zoning districts in the City. With approximately 910,000 gsf for up to 820 residential units, the 201 Folsom Street development project would have had to provide about 70,000 gsf of open space under existing Rincon Hill SUD controls. As discussed in Chapter II, Project Description, on p. 52, the development project proposes to provide about 36,750 gsf of common open space and 4,750 gsf of private open space, a total of approximately 41,500 gsf of open space. The amount of open space proposed by the 201 Folsom Street development project would be about 41 percent less than would be required under existing zoning controls for properties in the



Residential subdistrict of the Rincon Hill SUD. The rezoning request will be considered by the Planning Commission as part of its deliberations on whether to approve or disapprove the project; approval of the requested rezoning rests with the Board of Supervisors. The existing height limit would, however, not permit a building with approximately 910,000 gsf of residential space; therefore, the actual amount of open space that would be required under existing SUD controls could be less than 41,500 gsf of open space included in the proposed development project, depending on the gross square feet proposed in such a development. As explained in the EIR on p. 84, "the development project would provide residential open space at a lesser ratio than would be provided under the existing Residential subdistrict controls" [emphasis added]. The requested rezoning would add a requirement for open space at the ratio of 1:50 for non-residential uses that is not found in existing controls.

## **Residential Density**

### ***Comments***

This is a second proposal to build a two-tower apartment complex, 30 or more stories high, rising from a common base, on Folsom Street, between Beale and Main Streets, about four blocks from the Bay. The final development here will also contain about 820 dwelling units in two towers standing 300 feet to 400 feet tall. The lot on which this project is proposed has been used as a large downtown surface parking lot.

This project also stands directly opposite about forty high rise office towers on the north side of Market Street. This is an industrial area, not a residential area. However, new buildings containing housing already exist nearby. This proposal also lacks an intelligent sense of scale and would concentrate too many dwelling units in one place. People usually do not like to live in high rise downtown apartment buildings. The project would include about 880 enclosed private parking spaces and about 270 enclosed parking spaces for the USPS, and other government agencies.

The people who prepared this project do not like our city and they have no talent for city planning. They are wasting money. This is another example of over-building without there being a demand for it.

The proponents of this scheme are presenting us with a test of our political will, to see how long it will take for us to stop them. We need another building moratorium to stop unnecessary building projects. The simple existing use as a downtown parking lot should be retained.  
(Lloyd Schlogel)

There is almost no other thing like this in the City and this is on the south side of Market in the midst of a business and an office district. . It's not residential district. It is an office district and office workers, traditionally, don't like living in downtown office districts. . . These buildings,

these projects are being located on building sites that are very large, very large flat surface parking lots in the downtown area. . . These projects, if completed, may be under-utilized for many years as so many have been, attracting a temporary group which will be disturbing to other business and/or housing developments in the downtown area. . . The City is proposing to build a whole series of new structures without there being much demand for this along many vacant lots on Folsom Street which were previously used as surface parking lots. . .

This proposal is wrong, both proposals are wrong, and it seems to me that we need another building moratorium lasting several years which would work this time and stop unnecessary building projects. . . The present use of the site as a large flat parking lot is good and this use should be preserved. (*Roger Brandon*)

As the South of Market area is already where most all of the new housing in the City has recently been constructed and will continue to be constructed (e.g. Mission Bay), to allow an even greater percentage of the overall new construction for the City to occur there will adversely affect the quality of life for those who now or hereafter live and work in the area. The much higher density resulting from these projects should be specifically contrasted with the density of other residential areas of San Francisco to provide a meaningful discussion of what is proposed.

The type of units to be offered and the anticipated price range need to be included in the EIR so that it can be determined whether there is a realistic need for such units in San Francisco. The large number of units presently available (e.g. Bridge View Towers, Yerba Buena Lofts, The Brannan), as well as those already approved or under construction (e.g. Mission Bay, 333 First Street, 325 Fremont Street, 200 Brannan) should also be factored into this evaluation. (*Reed H. Bement*)

. . . [T]he EIR and the report does not address what sixteen hundred units will do to the neighborhood. . . It is quite an addition to that neighborhood and there are traffic issues, light issues, wind issues, sun issues that are not complete in the EIR. (*Judith Patterson*)

### ***Response***

As discussed in the EIR on pp. 63-64, under Section III.A, Land Use, Zoning and Plan Consistency, the Rincon Hill SUD, where the project is located, was established in 1985 to convert an underutilized and outmoded industrial area to a residential neighborhood close to downtown that would contribute to the City's housing supply.

Housing demand in and of itself and the price range of the proposed units are socioeconomic issues, not physical environmental effects. The project would not create a demand for housing, but would respond to the ongoing demand for housing in San Francisco. The Initial Study, presented in Appendix A of the EIR, discusses housing demand and residential density under the Population subsection on pp. 17-19. Providing new housing to meet the strong demand identified

by the Association of Bay Area Governments (ABAG) for San Francisco is particularly difficult because the amount of land available is limited and land and development costs are relatively high.

Comparing residential density proposed by the project for Rincon Hill with residential densities in other neighborhoods of San Francisco would not be meaningful because the City's zoning districts, its *General Plan* Residence Element, and Area Plans do not call for (or encourage) similar residential densities for all areas of the City. The Rincon Hill area is one of the areas where the City encourages high-density housing to meet housing needs. The February 10, 2003, draft of the proposed revisions to the Residence Element continues to encourage new housing adjacent to downtown in areas like Rincon Hill (Proposed Residence Element Part II: Objectives, Policies and Implementation Programs, Introduction, Initiative 2 of the five initiatives of the citywide plan). The high-density residential uses proposed by the development project would be consistent with the *Rincon Hill Area Plan* and the Rincon Hill Special Use District (SUD). A majority of the people living in the Rincon Hill residential area could conceivably be employed in downtown San Francisco, and many could easily walk or take transit to work from home.

The land use impacts analysis on pp. 71-73 of the EIR explains that the proposed residential use would be consistent with similar residential uses to the south, east and west. Therefore, the development project would further extend the Rincon Hill residential uses north of Harrison Street, as envisioned in the *Rincon Hill Area Plan*. The proposed 201 Folsom Street development would have a residential density of about one unit for each 92 sq. ft. of site area or 1:92 (820 residential units on a total land area of approximately 75,625 sq. ft.). As shown in Figure 21, p. 59 of the EIR, several other similar high-rise residential developments already exist, have been recently constructed, are under construction, or are planned in the project vicinity. These residential buildings have densities similar to that of the proposed project (see EIR, pp. 72-73). Figure 21 has been updated to show approved projects and the Transbay area; the revised figure is shown on p. C&R-81. The Rincon Hill area is intended to provide an area with higher residential density than many residential neighborhoods further from downtown. No specific density limit is established; the amount of residential space is required to be at least six times the amount of commercial space (Rincon Hill SUD, Planning Code Section 249.1). The residential density allowed in the nearby C-3 Districts is 1 unit for each 125 sq. ft. of site area. High-density residential districts such as RM-4 and RC-4 generally allow a residential density of 1 unit for each 200 sq. ft. of site area.



Thus, while the development project density would be higher than that in most other residential neighborhoods, this greater density is acknowledged in the EIR on p. 85.

Additionally, as explained on p. 19 of the Initial Study, while potentially noticeable to immediately adjacent neighbors, the increase in numbers of residents on the project site would not substantially increase the areawide population, and the resulting density would not exceed levels that are accepted in high-density urban areas like those in and near downtown San Francisco.

Page 73 of the EIR concludes that the proposed change in land use from the existing surface parking lot to the proposed high-density residential development would constitute a substantial intensification of land use at the development site. It would not be a significant impact because there are similar high-rise developments with comparable residential densities that already exist, are under construction, and have been recently approved near the development site, and because this portion of the Rincon Hill area is already in the process of changing from a predominantly industrial and parking district to a high-density residential district close to downtown. The EIR does address the potential impacts of the development on land use (as discussed above), traffic (pp. 106-134), light and shadow (pp. 145-154), and wind (pp. 154-164). These environmental issues are also discussed under the corresponding topics in this Comments and Responses document.

It is not expected that high-density residential buildings would create any of the security issues identified in a comment, because each project would be expected to take appropriate measures to ensure the safety of residents and other users. The Initial Study, Appendix A of the EIR, discusses Emergency Response Plans on pp. 40-41 and Fire Hazards on p. 41.

### **Housing Affordability**

#### ***Comments***

Well, one of the things that we are lacking is a housing context, in part, because we are lacking a compliant housing element which would be very valuable to have that discussion here at the Planning Commission but housing is not -- all housing is not created equal. There is needed housing in terms of the ABAG allocation to the City for affordability, and the last time there was a report for the Planning Commission which was over a year ago, on how we were doing about meeting our housing goals in one of those periodic reports. . . What you have is one of the largest areas in the City in the South of Market and you have these two EIRs. You have the mid-market rezoning EIR. You have the Transbay EIR. You have the little SUD for 4th and Fremont and another little exemption at 601 King. All of these are coming in under the rubric of affordable



housing creation, mostly housing creation. We need quantitative information that tells what the housing context South of Market is. How many units were there? What was the affordability level in 1970, 1980? 1990? 2000?

South of Market historically has provided a very large resource of affordable housing and what we have is a transition in the EIRs that you have here as well as the 557 - 4th Street project to be predominantly very high-end housing.

We are in a situation where we have limited land available for housing. This is a land use issue. How much land are we developing to well above market rate housing? The entire waterfront, except for a couple of projects that were developed by Delancey Street and a couple of other nonprofits. We have created a market where if you have a million dollars to spend or ten million dollars to spend for a condo, you are very well served but average folks aren't well served and low income people are even more poorly served. You have about two thousand units of market rate, not one affordable unit of live/work which is really housing. . . When you add up all of these rezoning areas at the same time, how much are we getting of affordable housing?. . . What are the land use implications on housing south of market?. . . *(Sue Hestor)*

As you probably know, one of the focuses that SPUR has. . . over the last several years is the housing crisis in San Francisco, the need for more housing of all kinds, both affordable and market rate. The statement made by Ms. Hestor that we've saturated the market with market rate housing we believe is incorrect, that there is plenty of capacity left and plenty of need left for housing of all income levels, you've probably read in the newspaper recently that the housing prices in the Bay Area and in San Francisco continue to rise, despite the downslide in the economy.

So, we believe that these projects are going to go a long ways toward addressing the housing need,. . . both market rate and affordable. . . *(Steve Vettel, on behalf of Jim Chappell, President of SPUR)*

Then. . . you'll also deal with the other environmental issues concerning our overall need for affordable housing. . . *(Gwenyth Borden)*

### ***Response***

Page 18 of the Initial Study (in Appendix A of the EIR) contains information about the number of new housing units built in the City and the Association of Bay Area Governments' (ABAG's) projected regional housing needs for San Francisco. The proposed project would help to satisfy a portion of the need for 20,372 dwelling units identified by ABAG. The Initial Study did not include any discussion about affordable housing in the City because housing affordability is a socioeconomic issue, not physical environment impact under CEQA.<sup>2</sup>

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<sup>2</sup> CEQA Guidelines, Section 15131.

ABAG estimates that San Francisco's affordable housing production need based on the 1999-2006 RHND analyses is 7,370 units out of a total new housing need of 20,372 units, or about 921 new units annually until 2006. San Francisco produced a total of 177 and 121 affordable housing units in 1999 and 2000, respectively.<sup>3</sup> As noted in a comment, San Francisco is lagging behind in meeting its affordable housing needs.

In order to balance the burden on property owners, the Board of Supervisors has limited the application of the affordable housing requirement in Planning Code Section 315, adopted in 2002, to implement the Residence Element Policies, to 10 percent for housing projects that do not receive any benefits through the conditional use or planned unit development process. A slightly higher percentage (12 percent) is applied to projects that do receive these benefits. According to Planning Code Sections 315.3(a)(2)(b) and 315.4(a)(2), development of the 201 Folsom Street project is subject to conditional use approval, and, therefore, it would be required to provide 12 percent affordable housing, or up to 98 affordable units. At the project applicant's election, a housing project may also satisfy the affordable housing requirements by constructing affordable units at an alternative site within the City and County of San Francisco pursuant to the requirements of Section 315.5: Compliance Through Off-Site Housing Development. According to Section 315.5(a), the number of units constructed off-site for projects subject to conditional use approval must be 17 percent of the total number of residential units proposed by the project.

In addition to the affordable housing requirements in the Planning Code, the Planning Department is updating its Housing Element and will address citywide affordable housing policies in that document.

### **Neighborhood Character**

#### ***Comments***

As these two projects are drastically out of proportion and character to the existing and developing neighborhood, "substantially taller and larger" is the description used in the EIR, and would severely alter and damage the existing neighborhood. . . (*Reed H. Bement*)

Those of us who now live in the neighborhood moved here on the representation of the City that the heights of buildings South of Market would gradually be scaled down from Market Street to China Basin and that no private buildings and no buildings of any sort of over 200 feet in height

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<sup>3</sup> See February 10, 2003, draft of Proposed Housing Element Part I: Data and Needs Analysis, New Construction of Low and Moderate Income Housing, Table 1-29, New Construction of Low and Moderate Income Units, 1999-2000, p. 40.

would be built on the sites under consideration. Over the past ten years a vibrant residential community has developed and continues to develop in the area. The neighborhood is not a “clean slate” for someone to experiment on with a design considered appropriate for an urban neighborhood. The building of downtown-sized office buildings in this area would destroy its intended and existing character. (*Reed H. Bement; petition attached to Reed H. Bement’s letter; and petition submitted by residents of 461 2<sup>nd</sup> Street*)

The proposed projects are of vastly greater height and bulk than is now permitted for buildings in this area, which is becoming increasingly residential, and would result in buildings disproportionate to those which presently exist or are under construction or already approved. Buildings of 350-400 feet (35-40 stories) would be approximately twice the height or more than what is presently allowed. (*Petition attached to Reed H. Bement’s letter and petition submitted by residents of 461 2<sup>nd</sup> Street*)

### ***Response***

A detailed description of the existing neighborhood in the project vicinity is provided on pp. 56-61 of the EIR. Land uses in the project vicinity are a mix of residential, commercial, utility, and parking uses. As described on p. 57, the project site is in a transition area between high-rise office above retail uses along Howard Street and to the north, and high-rise residential above small commercial uses in the Rincon Hill area south of Folsom Street. A large portion of the Rincon Hill area is characterized by a changing urban landscape composed of surface parking lots, low- to mid-rise industrial buildings, and new and under-construction high-rise residential development.

Neighborhood-related effects of the project are discussed on pp. 71-73. According to the significance criteria for land use impacts, the project would be considered to have a significant effect on the environment if it would substantially disrupt or divide the physical arrangement of an established community, or have any substantial impact upon the existing character of the vicinity. The proposed change in land use from the existing surface parking lot to the proposed high-density residential development would constitute a substantial intensification of land use along the south side of Folsom Street, but would not constitute a significant impact on existing neighborhood character. The proposed residential use would be consistent with similar residential uses to the south, east and west. The development’s neighborhood-serving commercial uses, proposed to be at the lower levels, would be similar to ground-floor neighborhood-serving commercial uses in other residential developments, such as the Bay Crest Apartments and Avalon Towers, in the Rincon Hill area. The change in land use would further the goals of the *Rincon Hill Area Plan*, which recommends that the Rincon Hill area be



developed as a residential neighborhood close to downtown that contributes to the City's housing supply. The project would further extend the Rincon Hill residential uses north of Harrison Street, as envisioned in the *Rincon Hill Area Plan*.

As stated on p. 73 of the EIR, the change in land use would not be a significant impact as there are similar high-rise developments with comparable residential densities already existing, under construction, and recently approved near the development site, and because this portion of the Rincon Hill area is already in the process of transitioning from a predominantly industrial district with surface parking to a high-density residential district close to downtown. The project would continue and extend the residential community in the Rincon Hill area further north. The proposed project would be compatible with existing and planned high-density residential uses in the Rincon Hill area, and would not disrupt or divide an established community, nor would it adversely affect the existing character of the vicinity.

The residential development proposed by the project would be taller and higher in density than allowed by the current zoning controls (or by the existing P zoning) for the project area. Therefore, as stated on p. 25 of the EIR and explained in Chapter II, Project Description, pp. 25-55, Section III.A, Land Use, Zoning, and Plan Consistency, pp. 56-87, and Appendix B, Requested Amendments to Planning Code and General Plan, pp. B.1-B.19, the project includes rezoning of the project area to allow high-rise residential developments. The proposed 201 Folsom Street development would be similar to and compatible with high-density residential buildings that have been built in Rincon Hill, although substantially taller, as noted in the EIR on pp. 81 and 94-95. Floor plates in the two towers would be about 11,000 sq. ft. rather than the 18,000 sq. ft. per floor found in typical recently approved downtown office buildings such as 554 Mission Street and 555 Mission Street. Window placement and design would substantially differ from a typical office building, and the use of balconies and outdoor terraces would not be found in an office building.

The proposed project's height and scale in relation to the character of the existing and developing neighborhood are discussed in Visual Quality and Urban Design in this document on p. C&R-33.

### Consistency with Plans

#### *Comments*

The Planning Department's mission is, "...the orderly and harmonious use of land, and improved quality of life for our diverse community and future generations." I am not convinced these projects support this mission. I also believe they violate several of the department's objectives for the area. [The comment letter discusses Objectives 4, 7, 9, 24 and 26; responses to these comments are presented in the topics to which the objective pertain, i.e., Shadow, Visual Quality, and Transportation.] (*Alexandria Chun*)

In the first instance, it is inappropriate to proceed with the certification process for the EIR unless and until any changes are adopted for the overall area as presently proposed by the Rincon Hill Mixed Use District plan (hereafter the "Plan"). The EIR differs from the Plan in, among other ways, by allowing greater building bulk, by authorizing less open space and by allowing double the amount of parking for residential units. As whatever action is taken on the Plan should control what is ultimately allowed on these two projects rather than the reverse, the planning process for the Plan should proceed first. (*Reed H. Bement*)

#### *Response*

The California Environmental Quality Act (CEQA), in California Public Resources Code Section 21000 *et seq.*, is the defining element that guides and shapes EIRs. Implementation is assisted by the State CEQA Guidelines in California Code of Regulations Title 14, Section 15000 *et seq.* According to the State CEQA Guidelines, "the purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project" (CEQA, Section 21061). The project's impacts are discussed in Chapter III of the EIR, mitigation measures are presented in Chapter IV, and alternatives to the proposed project are evaluated in Chapter VI.

The Planning Commission and Board of Supervisors will evaluate the proposed project against the provisions of the *General Plan* (including the *Rincon Hill Area Plan*) and will consider potential conflicts with the *General Plan* as part of the decision-making process (see pp. 65-66 of the EIR). This consideration of *General Plan* objectives and policies is carried out independently of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project.

The Rincon Hill planning process began as part of the Transbay Terminal area planning in the mid-1990's with the preparation of the *Transbay 20/20 Concept Plan*. The Transbay area and Rincon Hill area were separated for planning purposes in 2000, and the EIR process for the proposed Rincon Hill Mixed Use District (RHM) was initiated with a Notice of Preparation (NOP) on March 10, 2001.<sup>4</sup> A Draft EIR has not yet been published for the RHM proposal, and the controls described in the NOP are subject to further refinement and must be considered and acted on by the Planning Commission and Board of Supervisors before the proposed amendments go into effect. A brief description of the proposed Rincon Hill Mixed Use District (RHM) is presented on pp. 69-70, and the subsection Project in Context of the Proposed Rincon Hill Mixed Use District, on pp. 86-87 of the EIR, analyzes the proposed project in this context. As stated there, the requested rezoning is generally consistent with the goals as well as many of the controls proposed by the RHM. The proposed RHM, similar to the requested rezoning, is intended to stimulate additional high-density residential development in the Rincon Hill area.

The RHM proposal is unlikely to be adopted before the requested rezoning and proposed 201 Folsom Street development project would be expected to be considered for approval and, if approved, construction initiated. To delay action on the proposed project for an undetermined period (until the RHM is finalized and proposed amendments go into effect) would not be reasonable. CEQA does not require suspension of all permitting or development activity while areawide planning efforts are underway.

### **Change from P-Zoning**

#### ***Comment***

The EIR does not consider the impact of removing the P zoning for these sites. These sites are the only sites so zoned in the present Rincon Hill Area Plan and the impact of not having them available for parks, schools, etc. is an important consideration in dealing with these projects. (Reed H. Bement)

#### ***Response***

The effects of changing the project site from the existing P (Public) zoning to the proposed RC-4 zoning is part of the Zoning Changes discussion in the EIR on pp. 73-81. As discussed on

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<sup>4</sup> See City and County of San Francisco, 2000.1081E: *Rincon Hill Mixed Use District Notice of Preparation of a Draft EIR*, March 10, 2001. The NOP includes a description of the proposed Rincon Hill Mixed Use District.



pp. 74-75, the high-intensity residential and commercial uses permitted in the requested RC-4 District would be different from the governmental and public uses permitted in the existing P District. Controls provided in P zoning districts apply to land owned by governmental agencies and in some form of public use, and serve a different purpose from the controls applicable in RC-4 zoning districts that are intended to provide high-density residential and supporting commercial uses. The 201 Folsom Street property is in public agency ownership (United States Postal Service ownership) but is now in the process of being acquired by Tishman Speyer Properties from the United States Postal Service; therefore, P zoning for the property was appropriate while it was publicly owned but is no longer appropriate. The RC-4 District would continue and extend existing zoning adjacent to the site to the southeast and west (see Figure 2, Existing Zoning Districts in the Project Vicinity, p. 30). Retaining the P designation would not make the sites requested to be rezoned available for public parks or schools. A local public agency would need to acquire the sites in order for them to be used for these public purposes.

The EIR does not analyze alternative public uses of the project site such as a public park or school, as suggested in the comment, because according to State CEQA Guidelines an EIR is required to analyze reasonable alternatives to the project that could feasibly attain most of the project sponsor's objectives for the project. Therefore, "an EIR need not consider every conceivable alternative to a project" or alternatives that are infeasible (see CEQA Guidelines, Section 15126.6(a)). Use of the site as a public park would not meet the project sponsor's objectives.

## VISUAL QUALITY/URBAN DESIGN

### Views

#### *Comments*

The EIR fails to reflect that these projects deviate from and conflict with the following objectives of the existing Rincon Hill Area Plan. . .

Objective 10: To preserve views of the Bay and the Bay Bridge which are among the most impressive in the region.

Objective 11: To maintain view corridors through the area by means of height and bulk controls which insure carefully spaced slender towers rather than bulky, massive buildings.

The EIR does not reflect how seriously these projects would obstruct rather than preserve views from surrounding buildings, including those already existing such as Hills Plaza, Embarcadero Lofts and Avalon Towers as well as those under construction or planned such as 333 First Street and 325 Fremont Street. In addition the views from the sidewalks and streets of the Bay Bridge and the Bay will be impeded as well as the views from the Bay Bridge. (*Reed H. Bement*)

In addition to creating a visual blight on the neighborhood, buildings of such height and bulk would severely and negatively impact the views. . . of everyone who lives, works or visits the neighborhood. . . (*Petition attached to Reed H. Bement's letter and petition submitted by residents of 461 2<sup>nd</sup> Street*)

#### *Response*

As described in the significance criteria in the EIR, on p. 94, a project would have an adverse impact under CEQA on visual quality if it would cause a substantial, demonstrable negative aesthetic effect. A project would have such an effect if it were to be substantially incompatible with the surrounding environment or substantially change important view corridors and obstruct scenic views.

The effect of the proposed project on existing view corridors in the vicinity is presented in detail in the EIR in Section III.B, Visual Quality and Urban Design. Existing views from public places in the surrounding areas such as the waterfront, Bay Bridge and its anchorage, as well as from Twin Peaks, and the effects of the proposed project on these views are discussed in the EIR on pp. 96-105. These pages include figures that compare existing views with the same views showing the proposed project. As concluded on p. 105, the project would not substantially change important public view corridors or obstruct scenic views. Although from moving vantage



points for westbound motorists on the Bay Bridge the proposed project would alter the transitory visual relationship between the down-sloping urban form in the foreground and the natural form of the hills beyond, as discussed on pp. 103 and 105, the project would not substantially change important public view corridors or obstruct scenic views. For these reasons the EIR concludes that the proposed project would not result in significant adverse impacts on visual quality and urban design in San Francisco.

As discussed in the EIR on p. 99, some views of the bay would be obstructed by the proposed project. These would include some existing waterfront and Bay Bridge views from the windows of nearby private residences, such as in Avalon Towers and Embarcadero Lofts. Similarly, existing views looking towards Twin Peaks from the windows of some private residences and offices in Hills Plaza would also be obstructed. As demonstrated in Figure 25 on p. 101, some waterfront and Bay Bridge views from the windows of private residences in Embarcadero Lofts are already obscured by the Hills Plaza building. Development of the proposed project and others such as 333 First Street and 325 Fremont Street would add to this obstruction of views from private individual residences. Although the reduction of views would be undesirable for those affected, under CEQA this would not be considered a significant impact as would the obstruction of scenic views or vistas from public areas.

Views from the waterfront also would change as shown in Figure 23, p. 98 of the EIR. The replacement of these views would not be considered a significant visual impact under the significance criteria.

In regard to Objective 10 of the *Rincon Hill Area Plan*, the project would not substantially change important view corridors or obstruct scenic views of the Bay and Bay Bridge from public places, as explained above. Therefore, it would not conflict with Objective 10 of the *Rincon Hill Area Plan*.

In regard to Objective 11, the two towers of the 201 Folsom Street development would be placed at diagonal corners of the site to create the greatest separation between towers and the mass of each tower would be reduced at the upper levels, as provided for by the requested rezoning controls and discussed on p. 95 of the EIR. Under the requested rezoning, towers would be spaced and separated by 82.5 feet, approximately the width of Folsom Street, so they would not appear crowded or bulky. This proposed separation of towers would respond to the urban design objectives in the *Rincon Hill Area Plan*, specifically Objective 11, that call for preserving Bay and the Bay Bridge views and maintaining view corridors through the area with towers designed

to have slender, stepped, and tapered silhouettes. As discussed in the EIR pp. 54-55, the project would be reviewed by the Planning Commission and the Board of Supervisors in the context of applicable objectives and policies of the *General Plan*.

### **Scale, Height and Bulk**

#### ***Comments***

. . . I also believe they [the proposed project and construction of 300 Spear Street] violate several of the [Planning] department's objectives for the area.

#### **Objective 7: TO ACHIEVE AN AESTHETICALLY PLEASING RESIDENTIAL COMMUNITY**

The height and scale is inconsistent with the other buildings in the area and will in no way complement or enhance the aesthetics of the existing residential community. (*Alexandria Chun*)

The subjective conclusion of the EIR that the projects "would not be substantially incompatible with the surrounding environment by introducing structures of substantially greater size, mass, and scale into the area" is contradicted by the objective facts presented concerning the height and bulk of the buildings in the surrounding area. Indeed, at another point the EIR notes that the requested rezoning permits "substantially taller and larger buildings" than are presently allowed and presently exist. The conclusion reached is, therefore, inaccurate.

This inconsistency also exists with the subjective conclusion that the proposed buildings create "continuity with the nearby existing and future buildings." To the contrary, the proposed buildings are double (or sometimes quadruple) the height of the nearby existing and proposed buildings.

Finally, in this regard, the subjective conclusion that the projects would not "result in significant adverse impacts on visual quality and urban design" is contradicted by the immediately preceding, and accurate, observation that the proposed buildings "would dramatically change the visual character of the site and vicinity and would not conform to the existing pattern of heights" in the area. (*Reed H. Bement*)

. . . [T]his type of large building, would be the largest building down on this side and it would be interfering with other nice housing units that have been set up there. . . [A]nd it's sitting right across from the north that large Market Street financial development which has some about. . . thirty or forty-story buildings up there which I think would have a potential for disturbing dwelling units in this particular area. . . (*Roger Brandon*)

I'm opposed to these two projects not because they are residential, retail mixed use projects, but because of their height and I think the height issues. . . (*Judith Patterson*)

*Response*

As stated in the EIR on p. 94, the proposed development project would increase the scale of development on the site from a paved surface parking lot to towers of 400 feet and 350 feet. Several high-rise buildings have been built recently or are under construction in the Rincon Hill area in the vicinity, including the 19-story Avalon Towers, the 26-story residential building under construction at 400 Beale Street, and the high-rise building under construction at 333 First Street. This project would continue that trend. As discussed on p. 103 of the EIR, even though the project's residential towers would be taller than existing buildings in the surrounding Rincon Hill area, they would be the same height as or shorter than most high-rise office towers in the downtown area north of Folsom Street.

The Setting discussion in the EIR on pp. 88-92 explains that the immediate project vicinity is not characterized by a great degree of visual coherence. Large expanses of vacant land, including the project site, in close proximity to the dense downtown core characterize much of the immediate vicinity. Intervening between the immediate vicinity and the downtown to the north is a mostly vacant east-west strip of land. Building heights along the southern edge of the downtown high-rise urban form (north of the project site) tend to drop off abruptly. As concluded in the EIR on p. 105, the project would not be substantially incompatible with the surrounding environment by introducing structures of substantially greater size, mass, and scale into the area. The project vicinity is not characterized by an established, cohesive, distinctive or fragile visual character that would be degraded by the proposed project. The proposed development project would be stepping up from existing buildings of varying height and bulk in the Rincon Hill area but it would not entail the demolition of any historic, visual or open space resource. The proposed 201 Folsom Street building would include features that are intended to enhance the pedestrian environment, convey a sense of human scale and visual interest at street level, and create continuity with nearby existing and future buildings. For these reasons, although the proposed building would dramatically change the existing visual character of the site and vicinity, and would alter the existing pattern of heights at this southern periphery of the downtown high-rise urban form, the proposed rezoning and development project would not result in significant adverse impacts on visual quality and urban design in San Francisco.



### **Rincon Hill Topography**

#### ***Comments***

. . .I also believe they violate several of the [Planning] department's objectives for the area. . .

Objective 9: TO RESPECT THE NATURAL TOPOGRAPHY OF THE HILL AND FOLLOW THE POLICIES ALREADY ESTABLISHED IN THE URBAN DESIGN ELEMENT WHICH RESTRICT HEIGHT NEAR THE WATER AND ALLOW INCREASED HEIGHT ON THE TOP OF HILLS

The rezoning along with height and bulk changes proposed is not on the top of the hill and may very well dwarf the existing structures on the top of Rincon Hill. (*Alexandria Chun*)

The EIR fails to reflect that these projects deviate from and conflict with the following objectives of the existing Rincon Hill Area Plan. . .

Objective 9: To respect the natural topography of the hill and follow the policies already established in the Urban Design Element that restrict height near the water and allow increased height on the tops of hills.

The proposed projects would require a reversal of this policy by placing the tallest buildings closest to the Bay. That this reversal is inherent in these projects is ignored in the EIR. (*Reed H. Bement*)

I would like to pinpoint an additional crucial item. San Francisco is a unique city, and our waterfront is precious. To change current zoning to permit height restriction increases would be disastrous, and compromise the integrity of the waterfront. The existing guidelines were established to preserve our waterfront and surrounding areas. (*Bobbie Carter*)

I'm very concerned about the topography and how projects of this size much greater in magnitude, the height restrictions were placed there for a purpose and we look at violating this residential mixed use community by extending these height restrictions not just minimal increases, but totally out of proportion to anything in the City. (*Bobbie Carter*)

#### ***Response***

According to CEQA, "the purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment" (CEQA, Section 21061). Accordingly, the visual analysis considers the implications of the requested height limit change from 105, 150 and 200 feet to 300-foot and 400-foot height limits. In the project vicinity the transition from inland to the waterfront is marked by a gradual stepping down of heights, as is recommended by the *Rincon*

*Hill Area Plan* and the Urban Design Element of the *General Plan* to allow views of the Bay (see p. 88 of the EIR). Nearby waterfront buildings incorporate a staggered design and are set back from the waterfront above the building base and at the upper levels. This design approach acknowledges the meeting of land and water while respecting the natural topography of the area; reduces the appearance of a towering street wall; and helps maintain a pedestrian-friendly environment close to the waterfront.

Objective 9 and Urban Design Element policies call for restricting height near the waterfront and allowing increased height on top of hills, thereby respecting the City's natural topography. The requested height and bulk changes proposed would not be on the top of Rincon Hill. As noted on p. 93, the north side of Folsom Street is characterized by a combination of large parking lots and buildings that get progressively taller towards the east before stepping down in height near the waterfront. The requested rezoning would conform to the general pattern evident to the north of the development site, which is characterized by a gradual stepping down of building heights eastward to The Embarcadero and the water's edge. The proposed development project would decrease in height toward the water, as its western Beale Street tower is the taller of the two proposed towers. Within the parameters of its own building design, the proposed development project would respond to these policies by reducing the mass of each tower at the upper levels to produce slender, stepped, and tapered silhouettes. For this reason, a change in current zoning to allow increased height would not compromise the integrity of the waterfront and surrounding areas.

The project's 350- to 400-foot height would be consistent with development that is envisioned and anticipated in the nearby area. As discussed on p. 86, the requested rezoning includes the same height limits as the proposed Rincon Hill Mixed Use District (RHM), currently being refined by the Planning Department. The intent of the proposed RHM is to stimulate additional high-density residential development in the Rincon Hill area. The proposed RHM would increase building height limits from the 84- to 250-foot range to a range of 84 to 400 feet. Likewise, as noted on p. 103, heights within the immediately adjacent area to the north of the project site could increase if the proposed Transbay Redevelopment Project Area is approved and implemented. Under the alternatives analyzed in the *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Draft EIS/EIR*, published in October 2002, the height limits in the vacant areas across Folsom Street immediately northwest of the requested rezoning area would be increased from their current 80 feet to 350 to 400 feet, then would step down to 200 or 250 feet east of Main Street and north of Folsom Street. If development were to take place as envisioned by the proposed RHM and the Transbay Redevelopment Project, the southern edge of

the downtown high-rise core would shift southward over time. Seen in this context, development in the area requested to be rezoned would be set among other high-rises of similar height at the southern periphery of the downtown high-rise core.

The Planning Commission and Board of Supervisors will evaluate the proposed project against the provisions of the *General Plan* (including the *Rincon Hill Area Plan*) and will consider potential conflicts with the *General Plan* as part of the decision-making process (see p. 65). The consideration of *General Plan* objectives and policies is carried out independent of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project, and would not alter the conclusions regarding the physical environmental effects of the proposed project analyzed in this EIR.

### **Views of the EIR Alternatives**

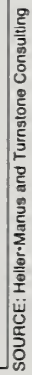
#### ***Comment***

*Impacts:* We would request that the three alternatives B, C & D have the inclusion of massing models and/or photo simulations so as to assess the impact of the designs of each on public views. We also request that the EIR should include massing models and/or photo simulations for the currently allowable height limits and density requirements for the site. Comparison of these with the massing model/photo simulations of the B, C & D Alternatives will provide for a more complete assessment of the impacts on public views for each and provide for a more thoughtful analysis of the alternatives to the proposed projects. (*Andrew Phipps Brooks, General Manager, BayCrest Towers, on behalf of the BayCrest Towers Residential Association*)

#### ***Response***

In response to the commentor's request for additional figures to assess the visual impact of the alternatives, an additional section for Alternative B is provided. This figure is added to the EIR as Figure 34a: Alternative B Section, and is shown on p. C&R-37. Photo simulations of Alternatives B, C and D are also provided on the following pages to assist the reader (see Figure C&R-A: Alternative B Views; Figure C&R-B: Alternative C Views; and Figure C&R-C: Alternative D Views). The visual impacts of Alternative B, C, and D are discussed on pp. 182, 187 and 191 of the EIR, respectively. The commentor further requests massing models and/or photo simulations to illustrate the currently allowable height and bulk limits for the site. Since Alternatives B and C reflect development conforming to existing height and bulk restrictions, this request is met in Figures C&R-A and C&R-B, provided on pp. C&R-38 and C&R-39.





**FIGURE 34a (NEW): ALTERNATIVE B SECTION**



↑ PROJECT ALTERNATIVE B  
MAIN STREET TOWER

↑ PROJECT ALTERNATIVE B  
BEALE STREET TOWER

**B.1: LOOKING SOUTH ON MAIN STREET**



↑ PROJECT ALTERNATIVE B  
MAIN STREET TOWER  
(behind PG&E substation)

↑ 333 FIRST STREET  
(under construction)

**B.2: LOOKING EAST ON FOLSOM STREET**

SOURCE: Heller-Manus and Turnstone Consulting





↑ PROJECT ALTERNATIVE C  
MAIN STREET TOWER

↑ PROJECT ALTERNATIVE C  
BEALE STREET TOWER

C.1: LOOKING SOUTH ON MAIN STREET



↑ PROJECT ALTERNATIVE C  
MAIN STREET TOWER  
(behind PG&E substation)

↑ 333 FIRST STREET  
(under construction)

C.2: LOOKING EAST ON FOLSOM STREET

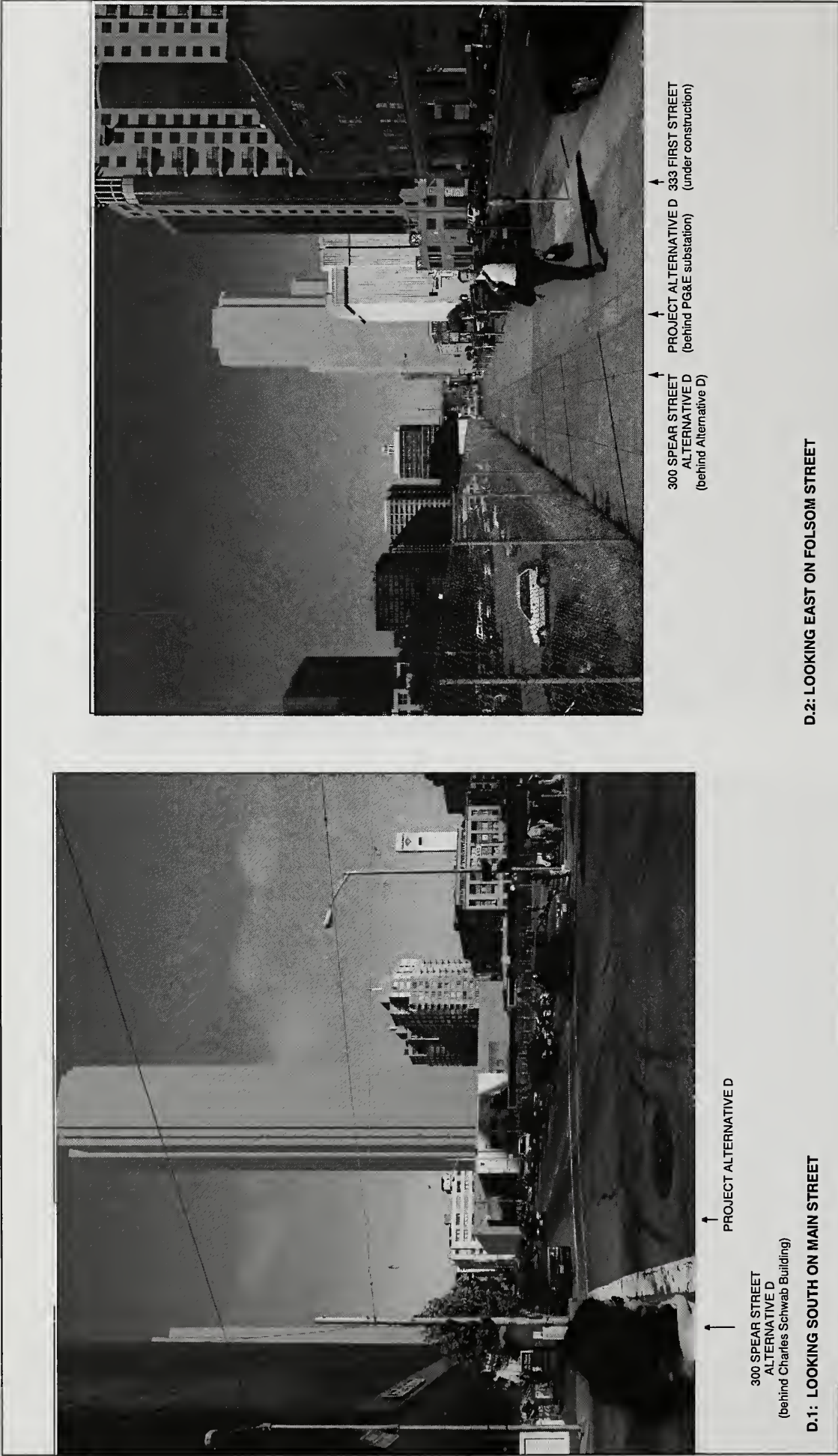
SOURCE: Heller-Manus and Turnstone Consulting

201 FOLSOM STREET

2000.1073E

FIGURE C&R-B: ALTERNATIVE C VIEWS





SOURCE: Heller-Manus and Turnstone Consulting

***Comment***

The only thing I might wish for is a little bit more visualization of how the project is going to look, particularly, 201 Folsom which has five stories of above-grade parking. I know the architects that I have been to look at their models and so on. They have, you know, lots of mitigation of that five stories above grade, they have three stories below grade, five stories above grade of parking. It doesn't make for a very friendly face on the street, they're doing their best with it but I do think that, you know, we have to look at it over and over again. When you get housing downtown and it's market rate, you are going to have parking because people want that in their units. So, what's the effect of that? So, look at it over and over again and you are going to see these kinds of projects. So, ask yourselves, you know, what does that do to the street scape? What does that do to your perception of a building when you're looking up at five stories of parking above grade? In the 201 Folsom, they do have retail at the lowest level and then they have, you know, so, in other words, it's levels two through six but, still, you know, it is a lot of parking at the eye level. (*Mary Anne Miller*)

***Response***

The 201 Folsom Street development project would include a total of eight levels of parking. As the commentor notes, five of these parking levels would be above-grade at the second through sixth floors. Three parking levels would be below-grade. Two of the three below-grade parking levels would be devoted to providing replacement parking for the 271 spaces now located on the development site and used by the U.S. Government. (See Figure 17: Building Section, EIR p. 45.)

The above-grade parking levels would occupy the building's base element above the ground floor, as shown in building elevations. (See Figures 15-18, EIR pp. 48-51.) The base element includes an exterior treatment that is intended to minimize the visual presence of parking. The ground floor would be high (approximately 14 feet high where grade level is highest, up to 19 feet high where the grade-level is lowest). The ground-floor streetfronts would be occupied by retail uses and by residential lobbies. These would be visually transparent to the street and are intended to create visual interest for the pedestrian. Above the ground floor, fenestration would be vertical in orientation with a high proportion of wall area compared to glazed area. Vertical piers would be expressed on the exterior. These features are intended to create continuity with nearby buildings and with the residential floors above.

Therefore, as stated in the EIR on p. 105, the project would not result in significant adverse impacts on visual quality and urban design in San Francisco.



## TRANSPORTATION

### Traffic

#### *Comments*

The EIR indicates that full build-out of the two projects would negatively impact three traffic intersections. However, since the scale ends at delays longer than 60 seconds, it is not clear just how severely these three intersections will be affected. Will it be two, three or twenty minutes? Hours? I also find it misleading, to identify just the three intersections that will fall into the F level as significant. With these projects, a total of EIGHT intersections will fall into the E or F level (undesirable and unacceptable, respectively).

What about those intersections that are currently rated F? It is not clear how long the current delays are and how much longer the delays will become. Just how many F rated intersections can we really tolerate in this area before it becomes a crisis and how many more F rated intersections will there be if we take into consideration the other proposed or approved projects like 333 First Street? (*Alexandria Chun*)

The Draft Environmental Impact Reports for 300 Spear and 201 Folsom, respectively, admit that these projects will negatively impact three traffic intersections; when, in fact, eight will be impacted. (*Patricia J. Fodor*)

Although the EIR does recognize that the two projects will have a significant adverse impact on the traffic at three intersections, it does not discuss the increased traffic delays upon the existing intersection with unacceptable conditions. . . (*Reed H. Bement*)

#### *Response*

The San Francisco Planning Department has developed significance criteria, presented in the *Interim Transportation Impact Analysis Guidelines*, January 2000 (referred to in the EIR as *SF Guidelines*), for the determination of traffic impacts associated with a project. First, a project would be considered to have a significant impact if it would cause an intersection to worsen from LOS D or better to LOS E or F, or from LOS E to LOS F. Second, for an intersection that already operates at LOS E or F, the project may have a significant adverse impact depending upon the magnitude of the project's contribution to the worsening of delay (see EIR p. 116).

Based on these criteria, development under the requested rezoning would have a significant impact at the three intersections where the level of service would worsen to LOS E or F with the project (see EIR p. 127). At the five intersections that already operate at LOS E or F under Existing conditions, an analysis was performed on the project's contribution to the poor operating



conditions. Overall, the Planning Department determined that the project-generated traffic would not represent a considerable contribution to conditions at these intersections, and development under the requested rezoning would not have a significant cumulative traffic impact at these locations (see EIR pp. 131-133).

The intersection operating conditions were evaluated using the *Highway Capacity Manual, 1994 Update* methodology. This methodology was developed to determine the average vehicle delay for under-saturated conditions (i.e., LOS A through E, or delays less than 60 seconds per vehicle). Although average vehicle delays for over-saturated conditions can be calculated, the results tend to overestimate delay and may not accurately reflect actual conditions. As such, delays of greater than 60 seconds per vehicle are typically not reported. In general, the additional delay at these intersections due to the vehicles generated by development under the requested rezoning would be minimal. In addition, it was found that development under the requested rezoning would generally add traffic to intersection movements that do not operate poorly.

To isolate the impacts directly related to a project, analyses of Existing and Existing-plus-Project scenarios are conducted. Separate future traffic and transit conditions were developed to address cumulative impacts. See the Response under Cumulative Impacts Issues, starting on p. C&R-77, for additional discussion of this topic.

***Comment***

...I also believe they violate several of the [Planning] department's objectives for the area. . .

Objective 26: TO REDUCE CONGESTION AT BRIDGE RAMPS BY IMPROVING  
LOADING PATTERNS

According to the EIR, the project will create more traffic congestion at three intersections.  
(Alexandria Chun)

***Response***

Objective 26, listed on EIR pp. 68-69, is discussed on p. II.3.17 in the *Rincon Hill Area Plan* under Improving Bridge Ramp Flow. That discussion explains that the traffic congestion at the First and Harrison Streets intersection is related in part to the confluence with the bus ramps from the Transbay Terminal, and recommends changes to traffic patterns on the bus and car ramps to improve flows. Thus, the objective is related to loading traffic onto the Bridge. It does not relate to traffic patterns on the streets immediately adjacent to the project site. The First and Harrison

Streets intersection was included in the project and cumulative analyses in the EIR (see Table 4, p. 121, and Table 5, p. 132). Traffic generated by the proposed development project would not cause project-specific impacts at the First and Harrison Streets intersection (p. 120) and would not contribute considerably to significant cumulative impacts at that intersection (p. 131).

### ***Comments***

...[B]uildings of such height and bulk would severely and negatively impact the views, light and sun of everyone who lives, works or visits the neighborhood as well as adversely effecting the already difficult parking and traffic conditions. (*Petition attached to Reed H. Bement's letter and petition submitted by residents of 461 2<sup>nd</sup> Street*)

...[T]he EIR and the report does not address what sixteen hundred units will do to the neighborhood. . . It is quite an addition to that neighborhood and there are traffic issues. . . that are not complete in the EIR. (*Judith Patterson*)

I think it would be irresponsible to act upon an impact study that was done not considering issues that were reported in the study to be not applicable. Some of these were traffic issues. I know that, depending on the hour of day, it's virtually impossible for me at this stage to exit my residence. . . I think that the traffic and parking needs to be addressed. (*Bobby Carter*)

...[Y]ou'll also deal with the other environmental issues concerning our overall need for. . . reducing traffic congestion. (*Gwenyth Borden*)

The traffic congestion and erosion of quality of life are my main concern. (*Ted Soderberg*)

### ***Response***

Traffic congestion and parking shortfalls are discussed in the EIR in Section III.C, Transportation, pp. 106-134. This discussion summarizes a more detailed report on transportation conditions and impacts that is cited in the EIR: *300 Spear Street/201 Folsom Street Transportation Study-Final Report*, January 31, 2002. As noted on p. 106, that report is available for public review, by appointment, at Planning Department offices. The impact of project-generated traffic is discussed on pp. 120-121 of the EIR, and the impact of project-generated parking shortfalls is discussed on pp. 120 and 122. Impacts of both the 201 Folsom Street project and the proposed development at 300 Spear Street are summarized on pp. 126-128. The traffic impact of the project in combination with future growth in the area, the rest of the City and the region, is analyzed on pp. 128-134, under 2020 Cumulative Conditions.

Thus, the EIR provides a complete analysis of the potential traffic and parking impacts from the proposed project. Visual quality issues are addressed under Visual Quality, and light and sun issues are addressed under Shadows in this Comments and Responses document.

***Comment***

*C. Transportation Study Area:* The study area to the South ends at Bryant. By not going further South we believe a potential for problems exist without the inclusion of the Pier 30 & 32 Mixed-Use Project and the PacBell Ball Park impact of 80 games per year. These overlapping, in some cases, impacts should also include not only weekday but weekend and night games. . .

*B. Alternative B: No Traffic Impacts:* We request that the aforementioned comments relate and be revised to pertain to Alternative B.

*C. Alternative C: Existing Height and Bulk Controls:* We request that the aforementioned comments relate and be revised to pertain to Alternative C.

*D. Alternative D: Reduced Development Under Requested Rezoning:* We request that the aforementioned comments relate and be revised to pertain to Alternative D. (*Andrew Phipps Brooks, General Manager, BayCrest Towers, on behalf of the BayCrest Towers Residential Association*)

***Response***

The study area for the project includes a general two-block radius from the project site. This is the Planning Department's standard approach, as the effects associated with a project tend to disperse beyond this distance from the project site. For instance, residents typically park within a two-block radius of their building. Thus, any effects outside the study area would be reduced, and the study area is sufficient to identify the impacts of the project.

The transportation analyses for the project and the nearby Pier 30/32 project were specifically coordinated to ensure that results of both analyses would be compatible. The Pier 30/32 Cruise Terminal project was included in the analysis of 2020 Cumulative conditions, along with other growth in the City and the region. The analysis of future cumulative traffic conditions was carried out over a wider area than the project-specific traffic analysis. This study area has 27 intersections, including The Embarcadero at Bryant and Harrison Streets and four additional intersections along Bryant Street in the vicinity of Piers 30-32 (see Table 5, p. 132). The Embarcadero provides access to Piers 30-32 and analysis of its intersections with Bryant and Harrison Streets accounts for potential traffic from development proposed there that could interact measurably with traffic from the proposed project.



Traffic and transit analyses are focused on the weekday p.m. peak hour, as this time period typically has the highest volumes/ridership. In addition, parking analyses are focused on the weekday midday and evening periods, as these time periods typically have the highest worker and residential parking demand, respectively. In general, Giants gameday conditions do not represent typical traffic and transit conditions, and therefore were not assessed for this project. According to the *San Francisco Giants Ballpark at China Basin FEIR* (certified June 1997), the approximate distribution of baseball games throughout the regular season (81 games) would be 13 weekday afternoon games, 42 weekday night games, and 26 weekend afternoon games. In the upcoming 2003 season, the Giants will play 81 regular-season home games, including 9 weekday day games, 45 weekday evening/night games and 27 weekend games. Thus, if ballpark traffic would affect intersections near the 201 Folsom Street project site, the effects would not occur on a regular basis, and generally would not occur at the same time as peak traffic from the project.

The transportation impacts of Alternatives B, C and D would be substantially less than those described for the proposed project, as explained on EIR pp. 182, 187 and 192. Therefore, the explanation above related to the project would also apply to these alternatives.

***Comment***

*Intersection Operating Conditions:* It is our understanding that intersection LOS were established with Beale Street in its current status, of being closed under the I80/Bay Bridge, this status will change eventually and we would ask for a revised LOS be prepared. This would show Beale Street open to thru traffic, one-way from Howard to Bryant Street as the designated Car-Pool Lane from the Financial District (3pm to 7pm M-F) to the lower deck of the Bay Bridge.

This on-going closure has put an undue strain on Main Street for both vehicle and pedestrian traffic. We believe significant impacts to both occur on Main especially from Harrison North on Main for at least 1 block. Mitigation in this area will be critical. . .

*B. Alternative B: No Traffic Impacts:* We request that the aforementioned comments relate and be revised to pertain to Alternative B.

*C. Alternative C: Existing Height and Bulk Controls:* We request that the aforementioned comments relate and be revised to pertain to Alternative C.

*D. Alternative D: Reduced Development Under Requested Rezoning:* We request that the aforementioned comments relate and be revised to pertain to Alternative D. (*Andrew Phipps Brooks, General Manager, BayCrest Towers, on behalf of the BayCrest Towers Residential Association*)

***Response***

The intersection turning movement volumes were counted prior to the closure of Beale Street under the Bay Bridge/I-80. Therefore, the intersection operating conditions under the Existing scenario reflect conditions when Beale Street is open. This configuration of Beale Street was retained for all other analysis scenarios. While Main Street currently carries additional traffic due to the temporary closure of Beale Street under the Bridge, in general it is not expected to be operating at unacceptable levels. With traffic from the proposed project, the Main/Harrison Streets intersection would continue to operate at an acceptable LOS D under the same assumptions (see EIR pp. 120-121) and the project would not result in a significant traffic impact at that intersection. Under future cumulative conditions in 2020, the development project would contribute to significant traffic impacts at the Main/Harrison Streets intersection (EIR p. 131).

As traffic generated by development in Alternatives B, C, and D would be substantially less than that from the proposed project, none of the alternatives would result in significant traffic impacts greater than those identified for the development project; in general, the alternatives would substantially reduce traffic impacts compared to the proposed development project.

***Comment***

*Tables 4 & 5:* The intersections of both Bryant/Main and Bryant/Beale have recently been signalized and the data should be adjusted accordingly. . .

*B. Alternative B: No Traffic Impacts:* We request that the aforementioned comments relate and be revised to pertain to Alternative B.

*C. Alternative C: Existing Height and Bulk Controls:* We request that the aforementioned comments relate and be revised to pertain to Alternative C.

*D. Alternative D: Reduced Development Under Requested Rezoning:* We request that the aforementioned comments relate and be revised to pertain to Alternative D. (*Andrew Phipps Brooks, General Manager, BayCrest Towers, on behalf of the BayCrest Towers Residential Association*)

***Response***

The Transportation Study accounts for the fact that the intersections of Bryant and Main Streets and Bryant and Beale Streets were planned for signalization by the end of 2001.<sup>1</sup> The EIR also notes this change on p. 130. Because the transportation analysis was completed prior to signalization of these intersections, the Existing-plus-Project scenario was assessed with those intersections in their then-current configurations with four-way stop controls. The future cumulative conditions adjusted the traffic model to account for the new signals at these two intersections. Therefore, the traffic impacts analysis in the 2020 Cumulative Conditions discussion on EIR pp. 128-134 includes signalization of the Bryant/Main Streets and Bryant/Beale Streets intersections (see, for example, note 2 to EIR Table 5, p. 132).

Because each of the alternatives would generate fewer person trips and vehicle trips than the proposed project, traffic impacts of these alternatives at the Bryant/Beale and Bryant/Main Streets intersections would be less than those identified in Table 5, p. 132, for the proposed development project. No additional analysis is necessary for the alternatives.

**Transit**

***Comment***

Muni utilizes a cumulative approach whereby 63 passengers equals one coach of demand with the system assumed at capacity. The project will generate 145 new outbound PM peak trips, this equates to 2.3 coaches of demand. The residential work trips are generally considered mitigated at the office end of the trip. (*James D. Lowé, Transit Planner, Muni*)

***Response***

There are several Muni route choices available for project transit riders. For example, the 1-California and the 41-Union trolley bus lines both stop within two blocks of the project site, and both carry passengers north on Main Street across Market Street to Sacramento and Sansome Streets, where the 41 turns onto Sansome Street while the 1 continues west on Sacramento Street. Thus, riders destined to a location near Sacramento and Sansome Street are likely to use whichever bus arrives first at the Main and Howard Streets intersection. At a larger scale, there are parallel routes throughout the City, such as the 15-Third/Kearny and the 30-Stockton, which have the same or parallel routes from the Caltrain Terminal at Fourth and Townsend Streets to

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<sup>1</sup> 300 Spear Street/201 Folsom Street Transportation Study, January 31, 2002, p. 4-43.



Market Street and through Chinatown where the two routes run about two blocks apart to Union Street at Washington Square in North Beach. For regional travel there is sometimes more than one transit choice available as well; for example, some East Bay commuters can choose between AC Transit buses or BART service.

Therefore, the analysis of impacts to Muni and regional transit service uses a screenline approach, describing travel to and from the greater downtown area, as explained on EIR p. 114. This approach accounts for the multiple opportunities provided by the Muni route system. Because riders can often choose from among several routes, and because ridership is spread out over the p.m. peak period, the EIR does not assume that transit trip generation would result in the majority of riders attempting to crowd onto a small number of coaches, and thus does not equate the number of riders generated to a number of buses needed. As noted on EIR p. 120, the four Muni screenlines and three regional screenlines would continue to operate within their respective capacity utilization and load factor standards.

***Comment***

The 201 Folsom Street DEIR does not mention the GGT bus stop at Folsom Street nearside Main Street at the northern corner of the project. Construction may require adjustment or relocation of the bus stop that may require the same level of coordination as the frontage stops on Folsom Street addressed in the 300 Spear Street DEIR mentioned above. (*Alan R. Zahradnik, Planning Director, Golden Gate Bridge, Highway and Transportation District*)

***Response***

The EIR acknowledges the need to relocate Golden Gate Transit bus stops from Folsom Street during the 36- to 40-month construction period on p. 125. The project sponsor, construction contractor(s), the San Francisco Department of Parking and Traffic, and Golden Gate Transit would coordinate to determine the best location to temporarily relocate the bus stops during the construction duration. No plans have been proposed to permanently relocate these bus stops, although this may be the result of discussions between City agencies and the District. Temporary or permanent relocation of the bus stops to a nearby site would not constitute a significant environmental impact requiring identification of mitigation measures.

**Transit (TSM)**

***Comment***

As noted in the report, since parking demand exceeds the number of parking spaces being supplied by the project sponsor, it behooves the project to offer TSM incentives. This should include: City CarShare, CommuterChex and perhaps incentives to residents that do not own cars. For example, offering cash back to residents that do not own a car nor use their designated parking space is one possible idea. (*James D. Lowé, Transit Planner, Muni*)

***Response***

The 201 Folsom Street development project would provide one parking space for each residential unit, plus 54 spaces for the proposed ground-floor retail space. According to Planning Code Section 249.1(b)(5)(A), existing parking provisions in the Rincon Hill SUD require one parking space per unit, as is proposed. The development project would result in a midday parking shortfall of up to about 255 spaces, all but 7 of which would be due to calculated demand from the residential use (see EIR p. 122). Parking occupancy in the parking study area (an approximately two-block radius from the project site) would be nearly full, as explained on EIR p. 122. Some motorists would choose to park further than two blocks from the project site, and others may choose to use transit. Some residents who are assumed in the analysis to have two vehicles may opt to have only one, given the short distance to Downtown offices, shops and restaurants. Although there would be a shortfall of parking during the midday period, there is no evidence that the shortfall, primarily related to parking demand from residents, would cause queuing at parking facility entrances in the project vicinity or cause other secondary impacts. Therefore, the midday parking shortfall would not result in a significant environmental impact. During the evening, the parking shortfall from the residential uses could be accommodated in existing on-street and off-street parking facilities in the parking study area. Based on this analysis, it was not necessary to identify mitigation measures in the EIR for the parking shortfall.

Coordination with City CarShare could provide opportunities for residents to choose to own fewer or no personal vehicles, as suggested in the comment. The Commuter Checks program is generally more relevant to buildings with substantial numbers of employees than to a primarily residential structure; because the project has less than 40,000 gsf of commercial space and would employ fewer than 100 people, the Commuter Checks program is not likely to reduce the project's midday parking shortfall. Transportation Systems Management (TSM) incentives or other measures to encourage residents to use alternative transportation methods could be required as conditions of approval by the decision makers whether or not any are identified in the EIR.

## **Parking**

### ***Comment***

...I also believe they violate several of the [Planning] department's objectives for the area. . .

Objective 24: TO PROVIDE SUFFICIENT OFF STREET PARKING SPACE FOR RESIDENTS

According to the EIR, there will be fewer parking spaces available to the public than currently exists. (*Alexandria Chun*)

### ***Response***

Objective 24 is discussed in the *Rincon Hill Area Plan* on pp. II.3.16-II.3.17. That discussion includes design guidelines for providing parking for residents that is screened from view, and calls for reduced parking requirements for office uses. As stated in the Plan, "the proximity to downtown and proposed new transit make it possible to limit residential parking to one space per unit" (p. III.3.16). The development project proposes to provide one parking space for each residential unit, in compliance with this provision of the Plan. Planning Code Section 249.1(c)(5) permits no more than one parking space per residential unit, and the requested rezoning would not change this existing Planning Code requirement. Thus, the proposed development project would comply with *Rincon Hill Area Plan* Objective 24 and Planning Code parking requirements.

### ***Comments***

The EIR also fails to discuss the impact of the additional loss of parking (some 14% of available) which will result from the Transbay Terminal Project. (*Reed H. Bement*)

I don't think that issues such as the parking and ballpark location and how that has affected residents in the area has been adequately addressed and how a project of sixteen hundred units, residential units, would impact this area. (*Bobby Carter*)

I am writing in support of maintaining the current 1:1 off-street minimum parking requirement for the proposed residential development projects at 300 Spear Street and 201 Folsom Street. I understand that the San Francisco Planning Department is considering applying a maximum parking requirement which is less than the current 1:1 minimum, resulting in less than one parking space per unit for both projects. As a resident of the neighborhood and a resident of a nearby high-rise, mixed-use building, I believe that this would be a mistake. . .



Finally, I myself live in a high-rise building similar to the two under consideration. Each unit in our building has access to one parking space. I own an automobile that I keep there. But because of the transportation options available to me (including walking to work) I use my car almost exclusively on weekends for trips that would be difficult if not impossible by other means. And I know that my situation is typical of many if not most of the residents of the other 232 units in our building. The idea that residents will eschew public transit for automobiles by virtue of having unrestricted access to an automobile is wrong. (*Peter Hartman*)

***Response***

At the time the analysis for the proposed development project and requested rezoning was conducted, the development plan for the Transbay Terminal project area was not publicly available. The *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Draft EIS/EIR* was published and circulated for public review on October 4, 2002, three weeks after the Draft EIR for the 201 Folsom Street project was published. Therefore, an analysis of the parking conditions with the proposed project plus development in the Transbay Terminal area could not be conducted.

The Transbay Terminal/Caltrain Extension project and the Redevelopment Area Plan remain in planning stages, and a development program has not yet been established for the Redevelopment Area. A certification date for the EIS/EIR has not been established. Therefore, it is not known how much of the existing parking in the area would be eliminated and how much would be replaced on each block, or when new development might occur once the Redevelopment Area Plan is adopted and Transbay Terminal project plans are finalized. As noted in the *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Draft EIS/EIR*, although some existing parking spaces would be eliminated, new land uses in the Transbay Terminal Redevelopment Area would include their own parking facilities (pp. 5-126 to 5-127 of that DEIS/DEIR). However, it is anticipated that development of the Transbay Terminal project and buildout of the Redevelopment Area Plan could result in a parking shortfall throughout the study area. The potential parking shortfall is not identified as a significant environmental impact (p. 5-127 of that DEIS/DEIR).

Because there are no specific development plans for the Transbay Terminal Redevelopment Area, it is not possible to conduct a quantitative evaluation of changes in parking availability in the future with development of the proposed projects at 201 Folsom Street and 300 Spear Street in the context of new development that may occur in the Transbay area. The project's parking demand would result in increases in off-street parking occupancies in the study area to between 93 and 98 percent during the midday peak parking period. The parking shortfall during the

evening hours could be met by on-street and off-street parking that is currently available within walking distance of the project site. With parking facilities operating at about 98 percent of capacity, it would be difficult for drivers to find parking in the study area. As a result, drivers may park outside the study area (either on-street or at an off-street facility), or may switch to transit, carpool, bicycle or other forms of travel during the daytime travel periods, as explained on EIR p. 122. In general, as noted in the *Transbay Terminal Draft EIS/EIR*, parking shortfalls would not be expected to be a significant impact, particularly in an area that is well-served by transit. In addition, providing up to 1,640 residential units within walking distance of much of the greater downtown could reduce commuter traffic and encourage more employees to walk to work.

The EIR evaluated the project's potential parking shortfall based on one parking space for each residential unit. The parking demand for residential uses ranges from 1.1 to 1.5 spaces per unit and thus exceeds the proposed supply. The parking demand analysis does not assume that all automobile owners move their vehicles each day, and the trip generation calculations for this area of San Francisco assume considerable use of transit during the peak afternoon commute hour (see EIR pp. 118-119).

#### *Comment*

*Loading 201 Folsom St:* The placement of Loading Bays on Beale Street with the existing mid-block closure will create a dangerous situation. Beale Street pre 911 was a one-way street, because of its status as a "Postal Road", the multi bay dock currently used by the Post Office adjacent to 201 Folsom was an Ideal set up which did not require 18 wheeled trucks to turn around in the street. Now this is standard practice and it creates a hazard for the cars using Beale Street that is now configured as a two-way street. When a large truck is on Beale Street it cannot turn around and in many instances it must back down Beale Street to Folsom to turn around. The EIR should explore relocation of the Bays to Main Street as mitigation. . .

*B. Alternative B: No Traffic Impacts:* We request that the aforementioned comments relate and be revised to pertain to Alternative B.

*C. Alternative C: Existing Height and Bulk Controls:* We request that the aforementioned comments relate and be revised to pertain to Alternative C.

*D. Alternative D: Reduced Development Under Requested Rezoning:* We request that the aforementioned comments relate and be revised to pertain to Alternative D. (*Andrew Phipps Brooks, General Manager, on behalf of the BayCrest Towers Residential Association Board of Directors*)

### ***Response***

At this time, it is not known whether the existing temporary closure of Beale Street to Bryant Street will be made permanent. If the closure is removed, it is anticipated that Beale Street would revert back to its previous configuration, with one-way southbound operations. When this occurs, any existing issues associated with USPS trucks would be eliminated.

With the proposed design of the 201 Folsom Street development project's loading area on Beale Street, trucks would be able to turn around within the project building, since the loading area would have a loop configuration. As such, trucks exiting the project would be able to turn directly onto Beale Street, without needing to make a U-turn or back down the street. Therefore, the project would not contribute to any existing problems related to Post Office truck-loading activities. The project would not affect or alter the existing truck-loading arrangement at the USPS.

Alternatives B, C, and D would be substantially smaller developments than the proposed project and would have a smaller loading demand and require fewer loading docks. The loading dock arrangement has not been developed in detail for these alternatives, but loading access could be located on Main Street, as shown in Figure 35, p. 185. Alternative C could retain the same loop configuration from Beale Street as is shown in Figure 9, p. 42, for the proposed project. For any of the alternatives, as for the project, the loading dock could be designed to avoid affecting existing USPS truck-loading activities.

### **Construction Traffic**

#### ***Comments***

These two projects involve extremely major construction in an area which already has and is projected to have even more on-going large construction projects. Most importantly, in addition to the already underway 333 First Street project, the Transbay Terminal project is presently scheduled to begin construction at approximately the same time as the two subject projects. The Transbay Terminal project will reduce traffic lanes on the very streets here involved and will shift bus and other traffic to Folsom and may well result in the digging up of both Second and Main streets for a train tunnel. (*Reed H. Bement*)

*Construction Mitigation:* We request that construction mitigation's be called for in the EIR that are identical to the mitigation's agreed to and used by the S.F. Giants during the construction of PacBell Park. A great deal of thought and time was put into developing those mitigations and



they worked effectively for both the surrounding community and the project owner and contractor. . .

*B. Alternative B: No Traffic Impacts:* We request that the aforementioned comments relate and be revised to pertain to Alternative B.

*C. Alternative C: Existing Height and Bulk Controls:* We request that the aforementioned comments relate and be revised to pertain to Alternative C.

*D. Alternative D: Reduced Development Under Requested Rezoning:* We request that the aforementioned comments relate and be revised to pertain to Alternative D. (*Andrew Phipps Brooks, General Manager, BayCrest Towers, on behalf of the BayCrest Towers Residential Association*)

***Response***

Construction traffic is discussed in the EIR on pp. 124-126. As explained there, construction staging would not extend into travel lanes on adjacent streets, although temporary pedestrian walkways would use parking lanes. Construction activities would be coordinated with the appropriate City departments including the Planning Department, Muni, Department of Parking and Traffic, and Department of Public Works, as well as with Caltrans to coordinate construction activities for the Bay Bridge seismic retrofit of the west span and the modification of the Fremont Street off-ramp at Folsom Street. As discussed in the EIR, construction traffic could temporarily affect nearby street, but would not constitute a permanent impact on the neighborhood.

Construction of the Caltrain Downtown Extension project could involve substantial temporary disruption in the project vicinity if the project is approved and funded. The effects would be considerably greater than construction impacts from the 201 Folsom Street development project. Impacts of construction of the Caltrain Extension and Transbay Terminal projects are discussed in the *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Draft EIS/EIR* on pp. 5-138 to 5-198, with construction traffic impacts discussed on pp. 5-165 to 5-174. Insofar as construction of the Transbay Terminal and Caltrain Extension projects might overlap with that of the proposed development project, trucks could temporarily impede traffic and transit flows on nearby streets, similar to the impacts discussed in the *201 Folsom Street Project EIR* on p. 125.

Construction of Pacific Bell Park was not identified as a significant traffic impact in the *San Francisco Giants Ballpark at China Basin EIR* (certified June 1997). The extensive mitigation measures discussed in that EIR (pp. V.2-V.60) related to impacts from traffic generated by baseball games and events at the ballpark and impacts to transit services from both traffic

destined to the ballpark and increased ridership on transit lines serving the ballpark. No construction mitigation measures were identified or discussed in the *San Francisco Giants Ballpark EIR*. Considerable coordination among the construction contractors, City agencies, and neighborhood groups did occur during construction of that facility, similar to coordination with City agencies suggested in the *300 Spear Street Project EIR* on p. 125.

The alternatives analyzed in the project EIR would result in smaller buildings than the proposed development project. Therefore, construction impacts would be the same as or less than those described in the EIR for the proposed project.

## AIR QUALITY

### *Comments*

The EIR states that if the projects were completed in 2002, there would be a significant air quality impact with ROG (reactive organic gasses) and NOx (nitrogen oxides) exceeding BAAQMD's limit of 80 pounds per day. The report attempts to conclude that this would not be an issue in 2003-4 because of improvements in the statewide automobile fleet, attrition of older vehicles and improved fuel mixtures. Where is the evidence for this conclusion? What are the current ROG and NOx production units per day and how many more pounds of ROG and NOx will these projects bring into our environment? The air quality data in Table 8 of the 300 Spear EIR shows no trend in the reduction of pollutants over the 1995 - 2000 period. How can we reasonably conclude air quality will improve without any evidence? (*Alexandria Chun*)

The Reports acknowledge that the air quality will diminish further to levels that have not been addressed. (*Patricia J. Fodor*)

### *Response*

The air quality analysis in the EIR was completed in accordance with the Bay Area Air Quality Management District's (BAAQMD's) *CEQA Guidelines*. These guidelines specify the models and emission factors to be used in assessing the air quality impacts of projects and plans. To estimate mobile source emissions, the BAAQMD requires use of the URBEMIS7G model, a model used to calculate mobile source emissions associated with various types of land use projects, EMFAC emission factors, and ITE trip generation rates. EMFAC is a mathematical model used to project changes in future inventories of mobile source emissions, and EMFAC emission factors use data from the Motor Vehicle Emission Inventory. The EMFAC model presents emissions rates in yearly increments. The California Air Resources Board (CARB) has maintained the Motor Vehicle Emission Inventory (MVEI) for over 25 years. The MVEI is an accounting of those pollutants attributable to both on-road and off-road mobile sources, and is a product of population, activity, and emissions. The on-road emissions inventory data has two parts: emissions-related data and activity-related data. The emissions-related data reflect new vehicle testing information and the latest vehicle registration data from the California Department of Motor Vehicles. The activity-related data are updated by the regional transportation agencies, which estimate the daily vehicle miles of travel, the distribution of travel by speed, and the number of starts per vehicle per day by year. Thus, an analysis prepared for 2003 or 2004 would provide different results than one prepared for 2002. Examples for different years are provided below.



Tables C&R-2 and C&R-3 show the “running” emissions from the average Bay Area vehicle fleet, and the “trip end” emissions associated with starting a cold vehicle or the additional evaporative emissions from parked cars. Using data presented in Tables C&R-2 and C&R-3, Table C&R-4 shows the change in individual vehicle emission levels for the three principal automotive pollutants over a 15-year (2000-2015) period.

**Table C&R-2: Average Exhaust Emission Rates**

Year	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>
1995	1.08	2.04	13.45	0.06	0.47
2000	0.62	1.42	7.27	0.03	0.45
2005	0.36	0.97	4.63	0.03	0.44
2010	0.22	0.76	3.66	0.03	0.44
2015	0.15	0.66	3.07	0.03	0.44

Source: Bay Area Air Quality Management District (BAAQMD), *BAAQMD CEQA Guidelines*, Table 10, December 1999

**Table C&R-3: Trip End Emission Factors (grams per trip)**

Year	ROG	NO <sub>x</sub>	CO
1995	3.44	1.89	49.89
2000	2.20	1.35	35.53
2005	1.36	1.08	21.07
2010	0.79	0.89	12.85
2015	0.50	0.78	8.33

Source: Bay Area Air Quality Management District (BAAQMD), *BAAQMD CEQA Guidelines*, Table 11, December 1999

**Table C&R-4: Projected Changes in Vehicle Emission Levels by Pollutant (2000-2015)**

Pollutant	Running Exhaust (% change per vehicle)	Cold Starts/Hot Soaks (% change per vehicle)
ROG	-76	-77
NO <sub>x</sub>	-54	-42
CO	-58	-77

Source: Orion Environmental Associates, 2003

Table 8 in the EIR, referenced in one of the comments to the 300 Spear Street EIR but identical in the 201 Folsom Street EIR, presents a summary of ambient air quality monitoring data.

Maximum concentrations presented in this table vary from year to year because these data are directly influenced by variations in meteorological conditions from year to year. These variations are not indicative of the emission rates, since ambient levels reflect not only mobile source emissions but other emissions sources (construction and stationary source emissions in the region). In addition, mobile source emissions could increase due to increased traffic levels even though emission rates per vehicle decrease over time.

In Table 9 of the EIR, project-related regional source emissions are listed for 2002 as well as for 2020. This table indicates that the project-related and cumulative regional emissions will decrease in the future, reducing future emissions and associated air quality impacts.

## **Child Care**

### ***Comments***

By the way, one segment of the population that is the most susceptible to poor air quality are children, and the EIR has mentioned only one day care facility in the area. There is actually at least two others. There's one on 220 Spear and the one on Mission Street between Main and Beale in the PG&E building. *(Alexandria Chun)*

Also, there was a question about day care centers and the potential impact of air pollution to the children at the day care centers.

I think one is a few blocks away, the PG&E Day Care Center. I don't know what impact that will have with the new building and the number of cars going in and out of the two high-rises. *(Commissioner William Lee)*

### ***Response***

The paragraph at the bottom of p. 57 in the EIR notes daycare to be one of the existing uses at 220 Spear Street. Thus, this child care facility, along with the one at Hills Plaza, is acknowledged in the EIR.

The PG&E Day Care Center, in the PG&E building at 245 Market Street, between Main and Beale Street, is about three blocks north of the project site. This building was beyond the land use survey area defined by the project EIR. The project survey area is bounded by The Embarcadero to the east, I-80 to the south, Second Street to the west, and Mission Street to the

north. These streets are logical boundaries defining the survey area and encompass a sizable 24-block area that is representative of the project's general land use context: the Downtown-South of Market area. Therefore, the project's land use survey area as presented in the EIR does not warrant expansion.

The next-to-last sentence in the paragraph at the top of p. 139, part of the Sensitive Receptors discussion in Section III.D, Air Quality, is revised to include the daycare at 220 Spear Street for informational purposes, as follows:

**There is one child care facility east of the development site in Hills Plaza, and one daycare facility north of the development site in a six-story office building with ground-floor retail at 220 Spear Street.**

The air quality analysis shows that the emissions from project-generated traffic would not exceed BAAQMD thresholds (see pp. 139-144 of the EIR). These thresholds and the state and federal air quality standards take into account health effects and sensitive receptors.

***Comment***

The EIR also fails to discuss the health risks poor air quality it will cause. It seems air quality issues have been trite to many of us and is often ignored but the fact is studies have shown over and over that poor air quality will increase the risk of respiratory disease and cancer. If the plan is to create more housing and bring more people into the community, it needs to be done responsibly and that includes developing a community that will not create and cause the members to become ill. (*Alexandria Chun*)

***Response***

Since neither 201 Folsom Street nor 300 Spear Street development projects were built and occupied in 2002, emissions from traffic generated by the projects would not be expected to exceed emissions thresholds established by the BAAQMD (see EIR p. 147). Regarding potential health hazards to sensitive receptors, the ambient air quality standards are intended to protect the public health and welfare (see Bay Area Air Quality Management District, *Bay Area 2000 Clean Air Plan*, p. 1). They specify the concentration of pollutants (with an adequate margin of safety) to which the public may be exposed without adverse health effects. They are designed to protect those segments of the public most susceptible to respiratory distress, known as sensitive receptors, including asthmatics, the very young, the elderly, people weak from other illness or disease, or persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollution levels somewhat above the ambient air quality standards before adverse



health effects are observed. Sensitive receptors are discussed in the EIR on pp. 138-139. Also, see the previous response on pp. C&R-59-C&R-60 discussing revisions to the Sensitive Receptors paragraph in the EIR.

***Comments***

... [I]n terms of air quality may I fully represent some of the benefits that you will experience as a result of the fact that more people can live in San Francisco. The major fact that degrades air quality in this particular region is because of the in that particular area of the City is because of the Transbay traffic and if you actually build more housing which people can live in there's going to be a reduction in the Transbay traffic that people experience. Additionally, there has to be some air quality improvements due to the fact that you're getting rid of the parking lots and you're replacing that with housing. So, I think that those air quality issues probably would definitely see a long term impact if more people can walk to work and they aren't driving their cars circling around the block in parking lots. (*Gwenyth Borden*)

... [M]y final point in regards to traffic, I think there may be a tendency for there to be less pollution in regards to traffic. As one speaker pointed out and as much as we would hope people living here would live here in lieu of living in the East Bay and driving across the Bridge or other areas that they would need to drive their automobiles to San Francisco and, by the same token, one would hope that employers would consider moving their businesses into the San Francisco area when more residents are living so close to the place where the sites of the businesses could be. (*Commission Vice-President Michael J. Antonini*)

***Response***

The comments are correct in stating that constructing housing adjacent to places of employment in and near downtown San Francisco could reduce commute traffic by making it easier for residents to walk or take transit to work. Although this is likely to occur, the air quality analysis does not make any special adjustments for the project's location, and thus may present extra-conservative results for air quality impacts from project-generated traffic.

***Comment***

The Transbay Terminal itself, not even considering the development it is anticipated to produce, is a huge project which will involve a great deal of attendant noise, dust and other disruptions caused by major construction. The impact of all the construction that is planned for the area should be, but is not, included in the EIR, including traffic congestion and discomfort to those who live and work in the area. (*Reed H. Bement*)

***Response***

Construction of the Transbay Terminal and new buildings in the Transbay Redevelopment Area, if approved following completion of their environmental review, would result in particulate emissions similar to those described for the proposed project (see the Initial Study, p. 23 in EIR Appendix A, for a discussion of construction air quality issues for the proposed project).

Construction-related particulate emissions can be controlled by a series of mitigation measures identified by the Bay Area Air Quality Management District; for the proposed project they are listed in Chapter IV, Mitigation Measures, pp. 169-170, Mitigation Measure 3, Construction Air Quality. These same construction air quality mitigation measures are also listed in the *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Draft EIS/EIR* on pp. 5-178 to 5-179 in the discussion of construction impacts in Section 5.21 of that DEIS/EIR.

Noise effects from construction are discussed in the Noise section later in these Responses to Comments. Construction traffic issues are addressed under Construction Traffic in the Transportation section of these Responses to Comments.

## SHADOWS AND WIND

### *Comments*

...[T]he EIR and the report does not address what sixteen hundred units will do to the neighborhood. . . It is quite an addition to that neighborhood and there are. . . light issues, wind issues, sun issues that are not complete in the EIR. (*Judith Patterson*)

In addition to creating a visual blight on the neighborhood, buildings of such height and bulk would severely and negatively impact the. . .light and sun of everyone who lives, works or visits the neighborhood. . . (*Petition attached to Reed H. Bement's letter and petition submitted by residents of 461 2<sup>nd</sup> Street*)

...I'm also concerned about wind and light issues in this area. Anyone who frequents the financial district in the City knows that it is a virtual wind tunnel. It is dark. It is not conducive to good residential area which is why the area is not heavily inhabited. I know my husband and I looked at residential properties in that area and chose to live elsewhere with light and adequate ventilation. (*Bobby Carter*)

The other issue that I looked at on this was in terms of the light and while there were considerable shadows, I think it seems as though the buildings were erected in as narrow as possible configuration and they made a point of pointing out that the shadows on the parks that are proposed are somewhat minimal. . . (*Commission Vice-President Michael J. Antonini*)

... I had a couple of things that I noticed in the reading. One was in regards to the wind factor. Now, I read it that there would be an incremental increase of a mile per hour on the winds and the fifteen miles per hour winds were like the total wind. . .I don't know that the winds would increase by fifteen miles an hour but, rather, would be increased by a lesser amount. (*Commission Vice-President Michael J. Antonini*)

You don't know what a redevelopment area that's being proposed under the Transbay terminal is going to have in the way of impacts but here, in these two documents, you know exactly what the wind impacts are going to be and they are all going to be over eleven miles per hour. They are going to be fourteen and even sixteen on certain spots on Main Street, and you need to know that. (*Mary Anne Miller*)

...I also believe they violate several of the [Planning] department's objectives for the area.

Objective 4: TO PROVIDE QUALITY HOUSING IN A PLEASANT ENVIRONMENT THAT HAS ADEQUATE ACCESS TO LIGHT, AIR AND OPEN SPACE

The shadows from the towers will certainly reduce the amount of light access and air quality will diminish for everyone in the area. The existing open space will be occupied by these projects and the towers will most nearly completely enclose 300 Beale and significantly reduce its residents' light quality. (*Alexandria Chun*)



The EIR fails to reflect that these projects deviate from and conflict with the following objectives of the existing Rincon Hill Area Plan.

Objective 4: To provide quality housing in a pleasant environment that has adequate access to light, air and open space.

Objective 7: To achieve an aesthetically pleasing residential community.

Although the projects provide housing, the EIR does not clearly reflect that they are inconsistent with the present housing in the area in that they would tower over the surrounding buildings by a measure of 2 to 1 or more and would eliminate or reduce a large part of the light and sun now enjoyed by that housing as well as by the other nearby buildings, streets and sidewalks. The subjective conclusion of the EIR that these projects would further these objectives is simply not borne out by the evidence presented. (*Reed H. Bement*)

The Reports indicate that, in addition to traffic and air quality, these projects will affect wind intensity and light quality – all of which are inconsistent with the overall mission of the Planning Department, and therefore do not justify the re-zoning. (*Patricia J. Fodor*)

### ***Response***

These comments raise issues about the project's shadow and wind impacts, as well as questions about the project's consistency with Objectives 4 and 7 of the *General Plan* and the mission of the Planning Department in regard to these impacts. This response addresses each of these categories of issues under a separate heading.

### **Shadows**

A shadow fan analysis, which projects the maximum extent of potential shadow, was prepared for the Initial Study for the project (see Appendix A of the EIR, p. 25). It was determined that the shadow impacts of neither 201 Folsom Street nor other potential development under the requested rezoning would be a significant impact under Planning Code Section 295, because maximum development under the proposed rezoning could not shade any open space under the jurisdiction of or to be acquired by the Recreation and Park Commission. As detailed in the EIR on pp. 146-154, the project would cast shadows on local sidewalks, privately owned, publicly accessible open space, and Rincon Park, which is not under the jurisdiction of the Recreation and Park Commission. The analysis of shadow on such spaces in Section III.E, Shadows and Wind, therefore is presented for informational purposes only. The shadow patterns for the development project are shown in the EIR on Figures 29-32, pp. 148, 150, 151, and 153, respectively. These figures show existing shadows, net new development shadows, proposed development shadow

boundary, and shadow boundary of the proposed 300 Spear Street project; they also show the locations of public and publicly accessible, privately owned open space in the vicinity. The text on pp. 146-154 of the EIR discusses the effects of the 201 Folsom Street project on surrounding sidewalks and public and publicly accessible open spaces. The 201 Folsom Street and proposed 300 Spear Street sites are currently paved parking lots, not open spaces as suggested in a comment.

Hills Plaza and 300 Beale Street are the residential buildings closest to the requested rezoning area. Hills Plaza is immediately across Spear Street from the proposed 300 Spear Street site and 300 Beale Street is immediately across Beale Street from 201 Folsom Street. Both are shown in the EIR on p. 59 in Figure 21 (see revised Figure 21: Existing, Under-Construction, Approved, and Proposed Residential Developments in Rincon Hill SUD, p. C&R-81). One comment asks about project shadow on 300 Beale Street, which is southwest of the requested rezoning area. Figure 31 in the EIR shows the shadow pattern on the project area on June 21, the time of year in which the sun is farthest north and therefore has the greatest possibility of directing early morning shadow toward 300 Beale Street. Shadows from development under the requested rezoning would not reach 300 Beale Street after 10 a.m. at any time of the year.

See also the response on p. C&R-33 regarding the proposed project's height and bulk in relation to buildings in the vicinity.

### Wind

The wind analysis in the EIR incorporates information from the *Wind Tunnel Analysis for the Proposed 201 Folsom Street Project, San Francisco*, presented in full in Appendix D of the EIR. As described on p. 158 of the EIR, wind tunnel tests were conducted for the project site and vicinity under several scenarios: (1) existing conditions; (2) conditions with the proposed development project; (3) conditions with the proposed development project and the adjacent proposal at 300 Spear Street, representative of the requested rezoning; and (4) conditions with the requested rezoning and conceptual designs for the proposed Transbay Redevelopment Project Area across Folsom Street ("Transbay Cumulative"). The EIR discusses each scenario with respect to the pedestrian comfort criterion in Planning Code Section 249.1(b)(3)(A) and the wind hazard criterion in Planning Code Section 249.1(b)(3)(B). The significance criteria for wind and the wind tunnel methodology are discussed in the EIR on pp. 157-158. The study found that there would be no significant impacts from the rezoning because the hazardous wind criterion would not be exceeded under any of the scenarios. The findings of the study are shown in Table

11 on p. 160 of the EIR; the pedestrian comfort criterion of 11 mph more than 10 percent of the time would be exceeded at various locations under all of the scenarios. An improvement measure – that is, a measure that would reduce an impact of the project that was found through the environmental analysis to be less than significant and that may be required by decision-makers as conditions of project approval – to improve pedestrian and sitting comfort is presented on pp. 175-176 of the EIR.

One comment asks specifically about the increases in wind speed. The comment is correct. At none of the locations would wind speeds increase by 15 mph. Table 11 contrasts the wind speed measurements taken at the 44 test locations under existing conditions, proposed development conditions, rezoning project conditions, and Transbay cumulative conditions. As shown in the EIR, the greatest increase in wind speeds between existing conditions and the proposed 201 Folsom Street development project would be 7 mph at three locations (from 6 to 13 mph at point 19, on the Main Street west sidewalk beside 390 Main Street; from 9 to 16 mph at point 22, on the project site at the corner of Main and Folsom Streets; and from 5 to 12 mph at point 39, on the northeastern corner of Main and Folsom Streets, by 200 Folsom Street. The greatest increase between existing conditions and the rezoning project would be 11 mph at one location (from 6 to 17 mph also at point 11, on the project site at the corner of Spear and Folsom Streets).

As noted in the comments, the windiest location (point 22) would be on the sidewalk at the corner of Main and Folsom Streets adjacent to the project site (see p. 160 of the EIR). Under rezoning project conditions, wind speeds would increase in the area compared to existing conditions, with wind speeds ranging from 8 to 17 mph. Thirty-five of the 44 measurement locations would exceed the 11 mph pedestrian use comfort criterion, and measurement locations exceeding the comfort criterion would be added at 14 locations. Under this scenario, winds would increase along the east side of Beale Street between Folsom and Harrison Streets (see Figure 34, p. 159 and Table 11, p. 160).

**Consistency with Objectives 4 and 7 of the *General Plan* and the Mission of the Planning Department**

Objectives 4 and 7 of the Rincon Hill Plan, an Area Plan of the *General Plan*, are presented under Housing and Urban Design, respectively, in the list of objectives and policies on pp. 66-69 of the EIR.

Objective 4 calls for adequate access to light, air, and open space. Nearby publicly accessible open space is shown on Figures 29-32 in the EIR. Publicly accessible open space is also



provided as part of the project. In the meaning of the *General Plan* and Planning Code, access to light and air refers to natural light and fresh air, not access to direct sunlight. The purpose of this objective is to avoid the crowding of adjacent buildings together without adequate setback from the property line for windows and rear yard open space. In the requested rezoning, tower separation is required to be 82.5 feet. The separation is based on the width of adjacent streets. The towers in the 201 Folsom Street and proposed 300 Spear Street projects would be separated by 82.5 feet, approximately the width of Folsom Street. They would be separated from all other residential developments by the width of the intervening street, i.e., by about 80 feet at a minimum. The area of the requested rezoning and the surrounding area would not be dark or lack access to sun, light, and air.

As explained in the last paragraph on p. 65, which continues on p. 66, the Planning Commission and Board of Supervisors will evaluate the proposed project against the provisions of the *General Plan*, including those in the *Rincon Hill Area Plan*, and will consider potential conflicts with the *General Plan* as part of the decision-making process, as well as taking the steps listed in the following paragraph. This consideration of *General Plan* objectives and policies is carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project. Any potential conflicts with provisions of the *General Plan* that would cause physical environmental impacts have been evaluated as part of the impacts analysis in Chapter III of the EIR and the Initial Study, presented in Appendix A.

The overall mission of the Planning Department is not relevant to the environmental analysis presented in the EIR, except insofar as the mission indicates an intent to serve the public and EIRs provide public information. The California Environmental Quality Act (CEQA) guides and shapes EIRs. According to the State CEQA Guidelines, "the purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project" (see CEQA, Section 21061). The project's impacts are discussed in Chapter III of the EIR (specifically, traffic, air quality, and shadows and wind are addressed in Section III.C, pp. 106-134, Section III.D, pp. 135-144, and Section III.E, pp. 145-154, respectively), mitigation measures are presented in Chapter IV, and alternatives to the proposed project are evaluated in Chapter VI.

## NOISE

### Construction

#### *Comment*

The Transbay Terminal itself, not even considering the development it is anticipated to produce, is a huge project which will involve a great deal of attendant noise, dust and other disruptions caused by major construction. (*Reed H. Bement*)

#### *Response*

Construction noise from the proposed development project is discussed in the project Initial Study, included in Appendix A of the EIR. The discussion there notes that construction noise in San Francisco is regulated by the San Francisco Noise Ordinance, which limits noise from most types of construction equipment and limits the hours during the day when construction can occur (see Appendix A, p. 21).

It is true that construction in the Transbay area, including construction of a new Transbay Terminal on Mission Street, three blocks from the project site, would also result in temporary increases in noise levels. The potential noise impacts of the Transbay Terminal project are discussed in the Draft EIS/EIR for that project on pp. 5-179 to 5-187. This discussion is related mainly to construction of the Caltrain Downtown Extension. A key measure identified in the Draft EIS/EIR to reduce construction noise is the same as that identified in the 201 Folsom Street Project EIR: compliance with the San Francisco Noise Ordinance (p. 5-187 of the Draft EIS/EIR), plus limiting and controlling noise from nighttime construction activities. Nighttime construction is not currently proposed as part of the 201 Folsom Street development project.

## HAZARDS

### *Comment*

The initial study indicates that limited soil and groundwater sampling has been conducted and that chemicals have been detected in the soil and groundwater from past operations and from filling of the property. In our August 21, 2001 letter, DTSC recommended that the Environmental Impact Report describe the sampling and analysis conducted, the levels of chemicals detected, and whether the soil contains chemicals at levels which would require it to be handled as a hazardous waste for disposal purposes. We further recommended that the Environmental Impact Report include an analysis of environmental impacts associated with the remediation of any contamination present. For example, if the remediation activities include the need for soil excavation, the EIR would include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local, state or federal standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) the risk of upset should there be an accident at the Site. These risks are anticipated to be different from those associated with general construction. Contamination at the Site must be addressed as part of the development project or prior to development. If chemicals remain in soil and/or groundwater following development at levels which pose a significant risk to public health and/or the environment or if cleanup goals for this Site are based upon an exposure scenario other than unrestricted land use, land use restrictions which run with the land should be required to ensure that subsequent owners or occupants of the property are informed about conditions at the Site and to ensure that any remedy installed at the Site remains protective of public health and the environment.

The EIR did not include this information. Therefore, DTSC reiterates its previous comments and provides the following additional comments for your consideration.

Based upon the language in the EIR, Page 171, Section IV, Hazards, the Site must be cleared of all hazardous materials prior to initiation of construction of the development project. The EIR identifies the San Francisco Department of Public Health as the lead agency for response actions associated with hazardous materials at the Site. Therefore, DTSC recommends revising the EIR to require the following activities prior to initiation of soil movement at the Site: 1) San Francisco Department of Public Health (DPH) concurrence that the Site has been adequately characterized; and 2) DPH approval of a site mitigation plan for the development Site. DTSC further recommends revising the EIR to require DPH concurrence and approval of the report stating that all hazardous materials have been removed from the development Site prior to initiation construction activities on the development Site. DTSC or the San Francisco Bay Region, Regional Water Quality Control Board (RWQCB) may also provide oversight for site characterization and/or response action implementation. If the Draft EIR is subsequently revised and will not require removal of all hazardous materials from the development Site, we request an opportunity to review and provide comment upon the revised language.



The EIR (page 171, Section IV, Hazards, Paragraph 3) indicates that the report stating that all hazardous materials have been removed from the development site and describing the steps taken to comply with this mitigation measure must be certified by a Registered Environmental Assessor or similarly qualified individual. The report must also comply with the California Business and Professions Code. All engineering work must be certified by an appropriately registered California professional engineer. All geological work must be certified by a California registered geologist or certified engineering geologist. The report must also contain sufficient information for regulatory agencies to verify that all hazardous materials have been removed. This should include copies of hazardous waste manifests, bills of lading, figure(s) showing sampling locations, and all analytical results, including but not limited to those for soil confirmation samples, groundwater analytical samples, and waste characterization samples. Tables should be used to ease review.

The EIR (Page 1, Section I.A, Paragraph 2) indicates that there will be a three-level underground parking garage. The total depth of the excavation required to construct the underground parking garage was not included, nor was the anticipated depth to groundwater. However, given the proximity of the development Site to the San Francisco Bay, it is likely that groundwater will be encountered and dewatering will need to be conducted. Therefore, DTSC has the following concerns:

- A. Given the size of the development project, it is likely that dewatering will influence groundwater in the area. DPH approval of an analysis to determine the potential impacts of this dewatering on areas of known groundwater contamination should be required prior to initiation of soil movement at the Site. This will determine if engineering controls or other methods should be required to minimize the movement of groundwater into the excavation.
- B. Groundwater analytical results from the Site were not provided in the EIR, although the Initial Study indicates that groundwater has been sampled and analyzed. Therefore, it is unclear what, if any, treatment would be required, whether treatment would occur onsite or offsite, whether there is sufficient space within the footprint of the development project to conduct these activities, and whether a permit is required for the treatment system.

Please clarify how the environmental impacts of any required response actions will be analyzed and addressed within the California Environmental Quality Act process. (*Barbara J. Cook, P.E., Chief, Northern California - Coastal Cleanup Operations Branch, Department of Toxic Substances*)

### ***Response***

As noted in the project Initial Study, on p. 39 of Appendix A in the EIR, the project site is located bayward of the 1851 high tide line, and therefore is subject to Article 20 of the San Francisco Public Works Code. Article 20 of the Public Works Code references the requirements of Article

22A of the San Francisco Public Health Code, which establishes detailed procedures for investigating and handling hazardous materials that may be in the soil on a construction site. Article 22A requires preparation of a site history assessment (a Phase I Environmental Site Assessment), a site characterization assessment determining whether there are any hazardous chemicals on the construction site, and, if so, preparation of a site mitigation plan.

A Phase I Environmental Site Assessment and an Environmental Site Characterization were prepared for the 201 Folsom Street project in 2000; both documents are cited and summarized on pp. 38-40 in the project's Initial Study, presented in Appendix A of the EIR. These reports indicate that site soils contain elevated levels of metals, petroleum hydrocarbons, and polynuclear aromatic hydrocarbons. Therefore, a site mitigation plan will be required to be submitted to the Department of Public Health prior to construction of the proposed project pursuant to the provisions of Article 22A of the City Public Health Code. That plan would include a Worker Health and Safety Plan to control emissions during construction, including controlling air emissions. The Plan would be expected to include use of perimeter air monitoring, with procedures to reduce dust during construction to include wetting the soil, as discussed under "Air Quality" in the Initial Study (see Appendix A, pp. 24 and 46). Noise impacts during construction are discussed in the Initial Study (Appendix A, pp. 20-22 and 45-46) and transportation impacts of construction are discussed in the EIR on pp. 124-126. The Site Characterization Report does not suggest that unusual provisions would be needed for transportation of soil off site to appropriate disposal locations; state and federal requirements for transportation of hazardous materials would be followed when necessary. There is no information in the Site Characterization Report that would indicate any risk of upset would occur during excavation of the project site.

The project would excavate three subsurface parking levels. This would remove some or all of the chemicals in the soil found at the site. If chemicals remained in the soil below the excavation, they would be capped by the concrete mat foundation planned for the project parking garage. The Site Mitigation Plan would include a cap maintenance plan to provide long-term protection of the environment and public health.

As required, all workers on site during the excavation of soil containing hazardous materials would be trained in accordance with the requirements of Cal/OSHA Title 8 Section 4192 (California Code of Regulations) requirements. Prior to initiating excavation, a study would be prepared of potential health hazards to on-site workers and persons nearby; the study would be undertaken by an appropriately licensed and qualified individual such as an Industrial Hygienist.



The study would include recommendations for appropriate protective gear and air monitoring, and would determine whether perimeter air monitoring should be undertaken, with appropriate response actions if particulate emissions reached designated levels. This information would be included in a Site Mitigation Plan submitted to the San Francisco Department of Public Health, as required in Article 22A.

The comment's recommendations regarding the Department of Public Health (DPH) concurrence in characterization and remediation of the project site parallels the requirements of Article 22A of the San Francisco Public Health Code. DPH must receive and review a soil analysis report and find it complete (Section 1226), and if hazardous wastes are present a site mitigation report must be submitted to DPH. The report must be certified by an appropriately licensed expert, indicating that mitigation identified, if carried out, will mitigate any environmental or health and safety risks (Sections 1228 and 1229). Thus, the Draft EIR does not need to be revised to include DTSC's recommendations, since they are essentially the same as the requirements in City ordinances. It is acknowledged that the DTSC and Regional Water Quality Control Board sometimes provide oversight for site characterization and response; Section 1227 requires that if a site is listed on the National Priorities List or the California Hazardous Substances Account Act release sites, state or federal agencies may be involved in site mitigation and their certification that mitigation measures have been completed satisfies the requirements of Article 22A.

As noted in the comment, all engineering work for the project would be carried out with appropriately registered professional engineers, and any geological work must be certified by appropriately certified or registered professionals. Reports provided to the San Francisco Department of Public Health would routinely include graphics showing sampling locations, analytical results, copies of manifests and other items listed in the comment.

The Site Characterization Report included the results of analysis of three grab samples of groundwater at the project site. These results did not show any petroleum hydrocarbons, volatile organic compounds, or semi-volatile organic compounds above reporting limits. Metal concentrations in these samples were above reporting limits. Therefore, no levels of chemicals that would require special handling were detected in the groundwater samples. Groundwater pumped from construction sites in San Francisco is not discharged directly to the Bay or any other surface water; it can be discharged to the City's combined sewer system with a permit issued by the San Francisco Public Utilities Commission staff following analysis, and pretreatment if necessary, pursuant to the Industrial Waste Ordinance (No. 199-77), as summarized on p. 33 of the EIR in Appendix A. Thus, the SF PUC staff review groundwater



sampling information rather than the San Francisco Department of Public Health staff. The analysis would be performed and certified by a professional geotechnical engineer, geologist or hydrogeologist.

Implementation of and compliance with Article 20 of the San Francisco Public Works Code and Article 22A of the San Francisco Public Health Code, as described above, and with state and federal requirements related to transport of hazardous wastes and other relevant state and federal regulations would reduce any potential impacts from hazards in soil and groundwater to a less-than-significant level.

## **FIRE SERVICES**

### ***Comments***

The EIR also did not address the San Francisco Fire Department's capacity to handle FOUR additional high-rises in this city. Fires in high-rises require a very large number of fire fighters/rescue workers because of the need to move heavy rescue equipment up many flights of stairs. Will there be enough fire fighters/rescue workers available to handle emergencies in one or more of these towers? Fires typically follow major earthquakes, what will happen if we have another major earthquake? (*Alexandria Chun*)

I would like to comment are we asking the staff to ask the Fire Department? Since this is going to be a high-rise and the issue of earthquakes is a major issue of San Francisco, what are the fire-fighting capacity of the Fire Department to address these tall buildings? (*Commissioner William Lee*)

The height, scale and bulk of these buildings, not to mention the additional burdens which four more high-rises will place on the San Francisco Fire Department, cannot be considered complementary to the existing or even planned residential communities. (*Patricia J. Fodor*)

The ability of the Fire and Police Departments to respond to fire and other emergencies for these buildings is not discussed in the EIR. It should be noted that the Transbay EIR refers to the existing availability of fire and emergency medical services and the need for additional fire suppression personnel should the Redevelopment component of that project go forward. No such discussion is included in the EIR. That discussion needs to be placed in the context of the Transbay Terminal project as well as the Rincon Hill Mixed Use District. Particularly important is information as to whether there is the capability of promptly responding to such emergencies on the upper floors of such tall buildings. In a post 9/11 environment for buildings next door to the Bay Bridge, with four towers far taller than any other buildings in the area, such concerns must, unfortunately, be addressed. (*Reed H. Bement*)

### ***Response***

The EIR mentions on p. 27 of the Initial Study (Appendix A of the EIR) that the nearest fire station, Engine 35, is located at Pier 22½ on The Embarcadero at Harrison Street. While the proposed project could increase the number of calls received from the area or the level of regulatory oversight required, the increase in responsibility would not likely be substantial in light of the existing demand for fire protection services in the Rincon Hill - Rincon Point Area.

In addition, the Initial Study, on pp. 40-41, Appendix A of the EIR, states that San Francisco ensures fire safety primarily through provision of the Building Code and the Fire Code. Final building plans for any new residential project greater than two units require review by the San

Francisco Fire Department (as well as the Department of Building Inspection), in order to ensure conformance with these provisions. In addition, the project sponsor would be required to develop an evacuation and emergency response plan in consultation with the Mayor's Office of Emergency Services to ensure coordination between San Francisco's emergency planning activities and the project sponsor's plan to provide for building occupants in the event of an emergency. The EIR concludes that potential fire hazards would be mitigated during the permit review process. On April 2, 2003, Mario Ballard, Captain of the Bureau of Fire Prevention and Investigation, confirmed that the Initial Study correctly and accurately described the fire safety permit process.

The San Francisco Transbay Terminal/Caltrain Downtown Extension Project is currently undergoing federal and state environmental review by the City and County of San Francisco, the San Francisco Redevelopment Agency, the Peninsula Corridor Joint Powers Board, and the Federal Transit Administration (Case No. 2000.048E). The proposed Redevelopment Plan and zoning changes have not yet been adopted, and, therefore, are not City policy. Future development projects associated with the Transbay project would undergo the same fire safety permit review process as described above.



## CUMULATIVE IMPACTS ISSUES

### *Comments*

The EIR clearly indicates these projects will affect traffic conditions, air quality, wind intensity and light quality, but there is no indication of the cumulative affects of these and other proposed/approved projects in the area such as 333 First Street. If the planning department does not critically evaluate the cumulative affects, who will? (*Alexandria Chun*)

Finally, I would like to emphasize the need to plan responsibly by looking at the impact of these projects within the context of the planned and proposed developments in the area.

Clearly, the impact of traffic, air quality and wind among other issues would be far greater when all the projects are combined than if they were analyzed independently, we have a chance to build a great community in this area and I urge everyone here to take the opportunity to do so by examining the impact of these projects with greater care and diligence to ensure they will not jeopardize the health and safety of the community members. (*Alexandria Chun*)

Finally, re-zoning of these parcels cannot and should not be considered independent of the larger, and far more significant Transbay Terminal/Caltrain Downtown Extension/ Redevelopment Project (Item 2000-048E), which will have an even greater impact on the above-mentioned issues. (*Patricia J. Fodor*)

As a general point, it would be irresponsible to move forward with either of these two projects until an overview of proposed and/or planned projects are reviewed and considered in total - Such projects include the Transbay Terminal/Caltrain Extension projects which will add 3400 to 4700 residential units, in addition to office and commercial space. Please note that the Rincon Hill Mixed Use District Plan, and the EIR is out of step. The EIR is isolating these two projects, and not giving proper consideration to the combined effects of all projects - Greater building bulk, increased pollution, traffic congestion, reduced parking, decreased open space, compromised sunlight, and increased wind intensity. (*Bobbie Carter*)

If the Planning Department is to proceed at this time even though it is premature, the EIR should, which it does not, take into account not only the impact of the two proposed projects but the impact as well of the adoption of the proposed Plan plus the existing and proposed development in the broader surrounding South of Market area.

As one example, under the Plan 7750 residential units plus substantial retail and office development would be built in addition to what would otherwise be built without the proposed changes. This additional development must also be considered in the EIR if it is to provide a meaningful discussion of the impact on the neighborhood of the proposed projects. Obviously, the impact upon parking, traffic, air quality, visual quality, among other topics, is far greater when all the projected development is combined than when the analysis is restricted to only one or two projects. This again illustrates why the Plan should be first considered.

Finally in this regard, the continuing and proposed changes in the overall South of Market area need to be part of the EIR. Again, only as one example, the recent draft Environmental Impact Statement and Report for the Transbay Terminal/Cal Train Extension projects (hereafter the "Transbay EIR") projects that in addition to huge increments in office and commercial space, there will be 3400 to 4700 residential units constructed in the Transbay terminal area. As these units are proposed primarily for the North side of Folsom Street, directly across the street from the projects under consideration, the additional impact of these units, as well as other aspects of the Transbay Terminal project, cannot be, as they largely are, ignored in the present EIR. . .

In addition, the EIR does not consider the impact of the buildings proposed in the Transbay EIR which projects 350-400 foot high buildings lining the north side of Folsom Street and concludes that Folsom Street, as a result of that construction, would "undergo the most visible change in the District." The cumulative effect of such buildings along with the present projects is not studied or visually depicted in the EIR by drawing, models or figures. . .

. . .[N]or does it discuss the cumulative effect on the neighborhood of the numerous additional adversely impacted intersections referred to in the Transbay EIR or the increased traffic on Folsom Street resulting from the modification of the Bay Bridge off-ramp which adds a second leg coming down to Folsom Street. . .

With the Planning Department projecting 7750 more residential units than would otherwise be built in the Rincon Hill Mixed Use District, and 3400 to 4700 more units projected as a result of the new Transbay Terminal project, primarily on the North side of Folsom Street, an additional population of at least 15,000 people more than would otherwise be expected would be living in this rather small area. The EIR needs to address how the needs of such a population for parks, schools, supermarkets, transit and other amenities will be met. (*Reed H. Bement*)

### ***Response***

The EIR includes considerable discussion and analysis of cumulative impacts later on. The analyses and results are presented under each topic where cumulative issues could reasonably be expected to arise. Cumulative impacts arise when impacts of two or more projects could cause related impacts (see CEQA Guidelines Section 15130(a)(1)). The EIR includes nearby development projects and proposals in the land use (pp. 86-87), visual (p. 103), transportation (pp. 128-134), air quality (pp. 143-144), and wind (pp. 163-164) analyses.

Under the 2020 Cumulative Conditions, separate future traffic and transit conditions were developed to address the combined impacts of development under the requested rezoning and other proposed development and changes to the roadway network in the vicinity of the rezoned area. These 2020 Cumulative Conditions include but are not limited to development at the 333 First Street site (under construction), the proposed Transbay Terminal project, development in the proposed Transbay Redevelopment Area, development under the proposed Rincon Hill rezoning,



the Folsom Street off-ramp project (specifically noted on p. 130 of the EIR). Twenty-seven intersections in the larger neighborhood of the project site were analyzed under these cumulative conditions, with the results summarized in Table 5, p. 132. The results of the analysis of future cumulative growth in traffic and increase in transit use are discussed in the EIR on pp. 128-134.

As the EIR explained on p. 131, 16 of the 27 intersections studied would operate at unacceptable LOS E or F under future cumulative conditions in 2020. At two of the study intersections, the 201 Folsom Street project would contribute a substantial number of vehicles to critical movements; while full development under the requested rezoning would contribute a substantial number of vehicles to critical movements at three study intersections. Thus, the requested rezoning and development projects would have significant cumulative traffic impacts that are identified in the EIR. Page 134 of the EIR provides a discussion of cumulative impacts on transit services based on growth in the project vicinity, the rest of the City and the region, and concludes that the project would not contribute substantially to significant cumulative transit impacts.

The EIR provides a complete analysis of cumulative air quality impacts on pp. 143-144. Cumulative local air quality impacts are presented in Table 10 of the EIR, p. 142. Table 10 calculates localized CO emissions for the "Cumulative (2020) + Project" scenario. The traffic volume estimates that are the basis for this cumulative scenario use a City-prepared forecast of future growth that includes ABAG growth projections from *Projections '98*, plus an additional growth factor (see the 2020 Future Scenario discussion on pp. 128-129 in Section III.C, Transportation, of the EIR), rather than using a list of specific development proposals. The additional growth was included to account for development in the Transbay Terminal area and other nearby locations that had not been in *Projections '98*. Note that the Draft EIR incorrectly cites *Projections 2000* in note 6 on p. 129 as the basis for the ABAG growth projections. As cited on p. 4-42 of the project's Transportation Study, the San Francisco County Transportation Authority countywide model is based on ABAG *Projections '98*. Note 6 on p. 129 is revised to read:

Association of Bay Area Governments, *Projections '98, 1998*.

ABAG's *Projections 2000* forecast considerable additional growth in jobs and population between 2000 and 2020 compared with the forecasts made in 1998. *Projections 2000* forecasts 731,770 jobs in the City by 2020, compared with the 1998 forecast of 679,650 by 2020. This is an increase of over 7.5 percent. The *Projections 2000* forecast of 785,600 San Francisco residents by 2020 is a 2 percent increase over the *Projections 98* forecast of 770,200 residents.



Therefore, the SFCTA model's use of a 2.8 percent increase in employment and 1.4 percent increase in population appropriately accounts for changes in the project vicinity that could result from development in the Transbay Redevelopment Area and the Rincon Hill area if the Redevelopment Area Plan and the Rincon Hill rezoning proposals are approved.

With respect to cumulative regional air quality impacts, since future cumulative growth is forecast by the City to be consistent with ABAG growth projections in *Projections 2000*, cumulative growth in the City is considered to be consistent with the BAAQMD *Clear Air Plan* (CAP) adopted in 2000. When the projected growth rate is consistent with the CAP, cumulative regional air quality impacts are considered to be less than significant. In addition, San Francisco's *General Plan* is consistent with the Clean Air Plan. San Francisco supports voluntary employer-based trip reduction programs in the Planning Code and Air Quality Element of the *General Plan*. The Transportation Element of the *General Plan* promotes bus-only lanes and discourages long-term commuter parking in downtown to encourage use of transit, and encourages pedestrian-friendly design. The City's zoning ordinance, and the Residence Element and Downtown Plan Area Plan in the *General Plan* promote high-density residential development near downtown to encourage walking and bicycling to work. In addition, the City continues to improve and expand its bicycle lane system to promote bicycling as an alternate means of transportation. CarShare is an active program in San Francisco that encourages residents to forego automobile ownership. Thus, San Francisco implements the Transportation Control Measures that are included in the CAP. San Francisco has the highest rate of commuter transit use in the region. Development of residential units adjacent to the downtown employment center would continue the City's implementation of these TCMs. In summary, the cumulative air quality analysis accounts for growth in the Transbay and Rincon Hill areas as well as the rest of the City and the region.

The EIR provides a complete analysis of cumulative air quality impacts on pp. 143-144. As stated there, the project would not be considered to contribute incrementally to cumulative regional air quality conditions, and cumulative emissions would make a less-than-significant contribution to CO levels at study intersections.

The Land Use, Zoning and Plans section of the EIR acknowledges the planning effort in the proposed Transbay Redevelopment Project Area on pp. 70-71. The EIR describes in detail existing and proposed residential development in the vicinity (see pp. 71-73 and Figure 21, p. 59). Figure 21 in the EIR is hereby updated to add proposed projects and reflect recent changes in nearby residential development (see Figure 21: Existing, Under-Construction,

Approved, and Proposed Residential Developments in the Rincon Hill SUD). As shown on Figure 21, the residential developments at 300 Spear Street, 40-50 Lansing Street, 333 Fremont Street, 375 Fremont Street, 385 Fremont Street, and 425 First Street projects are among the recently proposed residential development in the Rincon Hill SUD area.<sup>1</sup> Additional discussion of residential development is also provided under Land Use, Residential Density, pp. C&R-19-C&R-22.

The following text revisions have been made in Section III.C, Land Use, Zoning, and Plan Consistency, to reflect recent changes in nearby residential development.

The second complete paragraph on p. 57 is revised as follows:

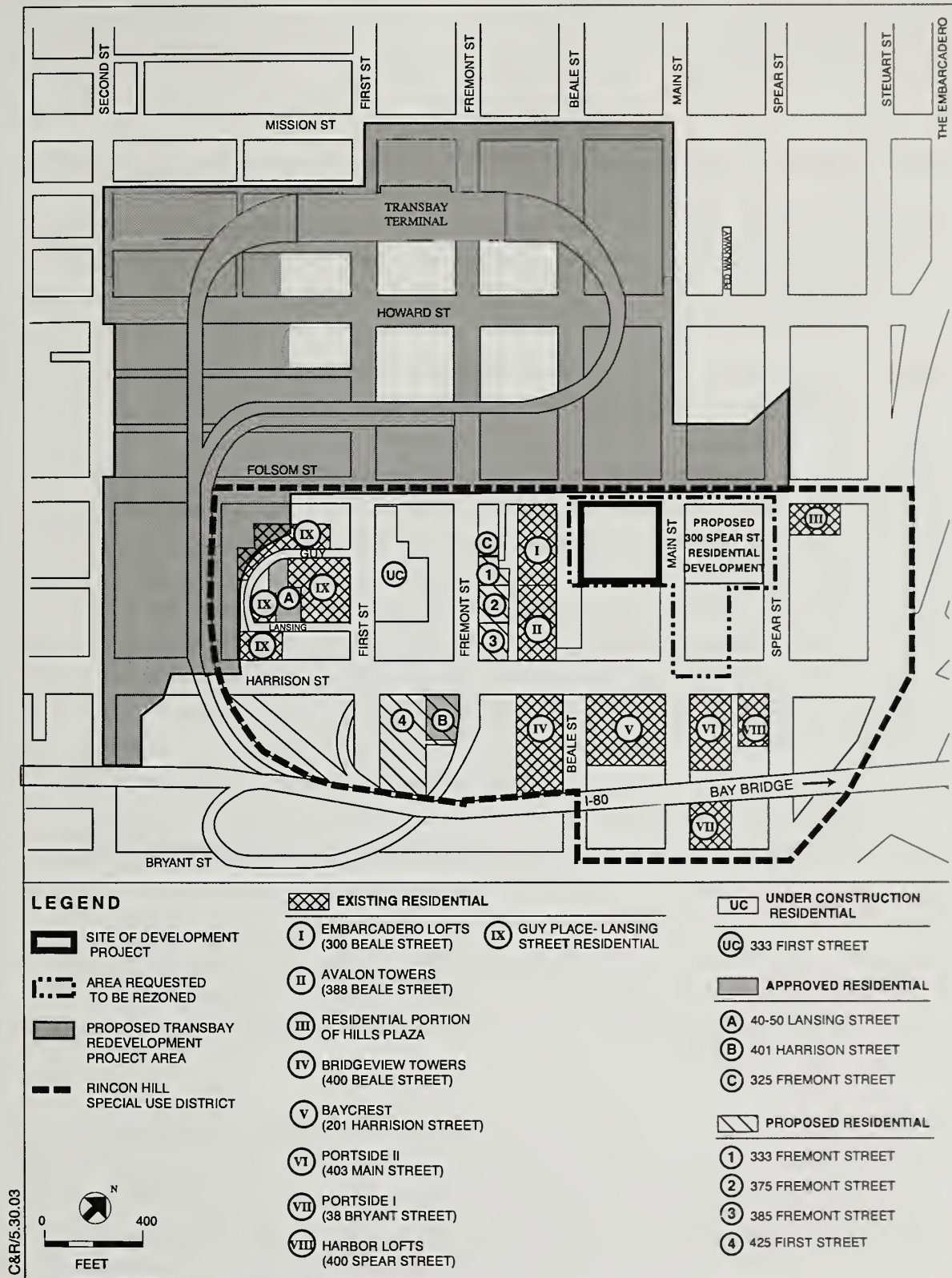
Residential developments in the near and mid-vicinity (within three to four blocks) of the requested rezoning area are the predominant uses to the south and west. They include Embarcadero Lofts (at 300 Beale Street), Avalon Towers (at 388 Beale Street), an approved residential development at 325 Fremont Street, **proposed residential developments at 333 Fremont Street, 375 Fremont Street, and 385 Fremont Street**, a residential development under construction at 333 First Street, **existing residential buildings surrounding Guy Place and Lansing Street**, and an approved residential development at **40-50 Lansing Street** west of the requested rezoning area across Beale Street; and Harbor Lofts (at 400 Spear Street), **Portside I (at 38 Bryant Street)**, Portside II (at 403 Main Street), Baycrest (at 201 Harrison Street), Bridge View Towers at 400 Beale Street, an approved residential development at 401 Harrison Street, and a **proposed residential development at 425 First Street** south of the requesting rezoning area across Harrison Street. (See Figure 21: Existing, Under-Construction, Approved, and Proposed Residential Developments in Project Vicinity.)

A sentence has been added to the end of the paragraph at the end of p. 60, as follows:

Immediately west of First Street, about two blocks west of the development site, there are mainly low-rise multifamily residential buildings surrounding Guy Place and Lansing Street, with some corner and interior commercial and industrial uses, including a gas station. **However, an 81-unit residential development has been recently approved at 40-50 Lansing Street.**

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<sup>1</sup> The approved residential development at 401 Harrison Street is not a recent proposal; however, it is still active according to City files.



201 FOLSOM STREET

2000.1073E

**FIGURE 21 (REVISED): EXISTING, UNDER-CONSTRUCTION, APPROVED, AND PROPOSED RESIDENTIAL DEVELOPMENTS IN RINCON HILL SUD**



The third sentence in the last paragraph on p. 76 is revised as follows:

Two to three blocks west of the development site, the 342-unit building approved at 333 First Street will have a residential density of about one unit for each 111 sq. ft. of site area, **and the 81-unit building approved at 40-50 Lansing Street will have a residential density of about one unit for each 250 sq. ft. of site area.**

Many retail businesses such as grocery stores, delis, pharmacies, and dry-cleaning services, among others, are in walking distance of the 201 Folsom Street site in Rincon Center and the South Beach area. A Farmers Market operates at the Ferry Building four blocks northeast of the site. A little further away, about eight to ten blocks north, a wide variety of neighborhood-serving retail and a supermarket can be found at the Embarcadero Center and Golden Gateway, respectively. A Safeway will open in Mission Bay at Fourth and Townsend Streets in the near future. Another grocery store is planned in the Yerba Buena Center a few blocks west of the project site. As noted in the comment, Rincon Hill is a burgeoning residential neighborhood; therefore, it is expected to attract more neighborhood services as the residential population of this area increases. Most existing and proposed residential developments in the Rincon Hill area already have ground-floor, neighborhood-serving retail services.

The existing visual character of the project vicinity includes the Transbay area, in the Visual Quality and Urban Design section on pp. 89-90. The visual impacts discussion in the EIR acknowledges on p. 103 the potential change in height limits in the Transbay Redevelopment Project area. If height limits of 350 and 400 feet considered for the proposed Transbay Redevelopment Plan area were adopted for the area north of Folsom Street (see *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Draft EIS/EIR*, p. 5-97), they would be compatible with the height limits requested for the rezoning project area. Additional discussion of scale, height and bulk is provided in the response to Visual Quality/Urban Design comments on p. C&R-33.

The wind analysis included nearby projects that are under construction or approved in the existing conditions scenario. As explained in Appendix D, the existing conditions scenario added buildings at 180 Harrison Street, 400 Beale Street, 301 First Street, 199 Fremont Street, the buildings at the corners of First and Howard Streets (Foundry Square), and 325 Fremont Street that were recently constructed, are under construction, or have been approved. It also included the recent additions to existing buildings at 345 Main Street (formerly 160 Harrison Street) and at 215 Fremont Street. The wind analysis was carried out with each development project added to the existing conditions scenario, and with both development projects included, the latter to

provide wind impacts of development under the requested rezoning. A future cumulative scenario was also tested that included block models representing potential buildout in the Transbay Redevelopment Plan Area. The results of these various scenarios are summarized in the EIR on pp. 158-164. Thus, the EIR includes a detailed analysis of cumulative wind conditions, taking into account development in the surrounding area, including the 350- to 400-foot-tall buildings that could be built on the north side of Folsom Street under the Transbay Redevelopment Plan if it were approved. As discussed on p. 164, construction of buildings in the Transbay Terminal area would reduce ground-level winds in the requested rezoning area.

As explained on EIR p. 145, a shadow analysis performed for the Initial Study showed that the development project at 201 Folsom Street would not cast new shadow on any properties under the jurisdiction of the Recreation and Park Department; the project would not result in significant shadow impacts under Planning Code Section 295. The shadow analysis, on EIR pp. 146-154, accounts for shadow from both development sites, at 300 Spear Street and 201 Folsom Street. Figures 29-32 show the combined shadow effects of both development projects. This analysis shows the most net new shadow that could occur from the proposed development. It is not possible to show specific shadow effects from potential development in the Transbay Redevelopment Plan Area, because the Redevelopment Plan has not been adopted and no specific development, with building designs, has been proposed.

In summary, detailed cumulative impacts analyses have been presented for all appropriate issues in the EIR.

## D. STAFF-INITIATED TEXT CHANGES

This section presents a staff-initiated text change for the *201 Folsom Street Draft EIR*. This change is made in Chapter IV, Mitigation Measures, to the Transportation discussion in Mitigation Measures That Could Be Required as Conditions of Approval.

The first sentence in the last paragraph on p. 168 is replaced with the following (new text is in bold):

Full build-out with the requested rezoning would **contribute considerably to 2020 future cumulative conditions and would have a** significant impact at three intersections: Main and Harrison Streets, Fremont and Harrison Streets, and Second and Folsom Streets.



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## **EXHIBIT 1: COMMENT LETTERS**

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REED H. BEMENT  
75 FOLSOM STREET, #1800  
SAN FRANCISCO, CA 94105

RECEIVED  
NOV 18 2002  
PLANNING DEPT

November 18, 2002

Mr. Paul Maltzer  
Environmental Review Officer  
S.F. Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103-2414

Re: 201 Folsom Street  
300 Spear Street

Dear Mr. Maltzer:

I am writing in response to the two Draft Environmental Impact Reports for the above two projects (hereafter collectively referred to as "EIR").. My wife and I have lived in the neighborhood where these two projects are located since 1992 and I am a member of the Transbay CAC.

As these two projects are drastically out of proportion and character to the existing and developing neighborhood, "substantially taller and larger" is the description used in the EIR, and would severely alter and damage the existing neighborhood, the EIR needs to be carefully reviewed by the involved public agencies for its adequacy and accuracy.

In the first instance, it is inappropriate to proceed with the certification process for the EIR unless and until any changes are adopted for the overall area as presently proposed by the Rincon Hill Mixed Use District plan (hereafter the "Plan"). The EIR differs from the Plan in, among other ways, by allowing greater building bulk, by authorizing less open space and by allowing double the amount of parking for residential units. As whatever action is taken on the Plan should control what is ultimately allowed on these two projects rather than the reverse, the planning process for the Plan should proceed first.

If the Planning Department is to proceed at this time even though it is premature, the EIR should, which it does not, take into account not only the impact of the two proposed projects but the impact as well of the adoption of the proposed Plan plus the existing and proposed development in the broader surrounding South of Market area.

As one example, under the Plan 7750 residential units plus substantial retail and office development would be built in addition to what would otherwise be built without the proposed



Mr, Paul Maltzer  
November 18, 2002  
Page 2

changes. This additional development must also be considered in the EIR if it is to provide a meaningful discussion of the impact on the neighborhood of the proposed projects. Obviously, the impact upon parking, traffic, air quality, visual quality, among other topics, is far greater when all the projected development is combined than when the analysis is restricted to only one or two projects. This again illustrates why the Plan should be first considered.

Finally in this regard, the continuing and proposed changes in the overall South of Market area need to be part of the EIR. Again, only as one example, the recent draft Environmental Impact Statement and Report for the Transbay Terminal/Cal Train Extension projects (hereafter the "Transbay EIR") projects that in addition to huge increments in office and commercial space, there will be 3400 to 4700 residential units constructed in the Transbay terminal area. As these units are proposed primarily for the North side of Folsom Street, directly across the street from the projects under consideration, the additional impact of these units, as well as other aspects of the Transbay Terminal project, cannot be, as they largely are, ignored in the present EIR.

In addition, I have the following comments on the adequacy and accuracy of the EIR.

A. Land Use, Zoning and Plan Consistency.

The EIR does not consider the impact of removing the P zoning for these sites. These sites are the only sites so zoned in the present Rincon Hill Area Plan and the impact of not having them available for parks, schools, etc. is an important consideration in dealing with these projects.

The EIR fails to reflect that these projects deviate from and conflict with the following objectives of the existing Rincon Hill Area Plan.

Objective 4: To provide quality housing in a pleasant environment that has adequate access to light, air and open space.

Objective 7: To achieve an aesthetically pleasing residential community.

Although the projects provide housing, the EIR does not clearly reflect that they are inconsistent with the present housing in the area in that they would tower over the surrounding buildings by a measure of 2 to 1 or more and would eliminate or reduce a large part of the light and sun now enjoyed by that housing as well as by the other nearby buildings, streets and sidewalks. The subjective conclusion of the EIR that these projects would further these objectives is simply not borne out by the evidence presented.

Objective 9: To respect the natural topography of the hill and follow the policies already established in the Urban Design Element that restrict height near the water and allow increased

height on the tops of hills.

The proposed projects would require a reversal of this policy by placing the tallest buildings closest to the Bay. That this reversal is inherent in these projects is ignored in the EIR.

Objective 10: To preserve views of the Bay and the Bay Bridge which are among the most impressive in the region.

Objective 11: To maintain view corridors through the area by means of height and bulk controls which insure carefully spaced slender towers rather than bulky, massive buildings.

The EIR does not reflect how seriously these projects would obstruct rather than preserve views from surrounding buildings, including those already existing such as Hills Plaza, Embarcadero Lofts and Avalon Towers as well as those under construction or planned such as 333 First Street and 325 Fremont Street. In addition the views from the sidewalks and streets of the Bay Bridge and the Bay will be impeded as well as the views from the Bay Bridge.

In addition, the EIR does not consider the impact of the buildings proposed in the Transbay EIR which projects 350-400 foot high buildings lining the north side of Folsom Street and concludes that Folsom Street, as a result of that construction, would "undergo the most visible change in the District." The cumulative effect of such buildings along with the present projects is not studied or visually depicted in the EIR by drawing, models or figures.

#### B. Visual Quality/Urban Design

The subjective conclusion of the EIR that the projects "would not be substantially incompatible with the surrounding environment by introducing structures of substantially greater size, mass, and scale into the area" is contradicted by the objective facts presented concerning the height and bulk of the buildings in the surrounding area. Indeed, at another point the EIR notes that the requested rezoning permits "substantially taller and larger buildings" than are presently allowed and presently exist. The conclusion reached is, therefore, inaccurate.

This inconsistency also exists with the subjective conclusion that the proposed buildings create "continuity with the nearby existing and future buildings." To the contrary, the proposed buildings are double (or sometimes quadruple) the height of the nearby existing and proposed buildings.

Finally, in this regard, the subjective conclusion that the projects would not "result in significant adverse impacts on visual quality and urban design" is contradicted by the immediately preceding, and accurate, observation that the proposed buildings "would dramatically change the visual character of the site and vicinity and would not conform to the existing pattern of heights" in the area.



C. Open Space.

The Rincon Hill Area Plan calls for significant open space, including the widening of a number of sidewalks. The present projects not only calls for the elimination of the widening of sidewalks but, in addition, provides for 100% site coverage as compared to the existing allowable 80% coverage. Also, as previously noted, these projects provide for nearly 40% less open space than is called for by the Plan, and for one project the open space which is provided is at elevations of 16 and 20 feet above street level. Although these facts can be found with some difficulty in the EIR, the impact of these facts upon the neighborhood is not discussed.

D. Transportation

Although the EIR does recognize that the two projects will have a significant adverse impact on the traffic at three interesections, it does not discuss the increased traffic delays upon the existing intersection with unacceptable conditions nor does it discuss the cumulative effect on the neighborhood of the numerous additional adversely impacted intersections referred to in the Transbay EIR or the increased traffic on Folsom Street resulting from the modification of the Bay Bridge off-ramp which adds a second leg coming down to Folsom Street.

The EIR also fails to discuss the impact of the additional loss of parking (some 14% of available) which will result from the Transbay Terminal Project.

E. Population.

With the Planning Department projecting 7750 more residential units than would otherwise be built in the Rincon Hill Mixed Use District, and 3400 to 4700 more units projected as a result of the new Transbay Terminal project, primarily on the North side of Folsom Street, an additional population of at least 15,000 people more than would otherwise be expected would be living in this rather small area. The EIR needs to address how the needs of such a population for parks, schools, supermarkets, transit and other amenities will be met.

As the South of Market area is already where most all of the new housing in the City has recently been constructed and will continue to be constructed (e.g. Mission Bay), to allow an even greater percentage of the overall new construction for the City to occur there will adversely affect the quality of life for those who now or hereafter live and work in the area. The much higher density resulting from these projects should be specifically contrasted with the density of other residential areas of San Francisco to provide a meaningful discussion of what is proposed. The type of units to be offered and the anticipated price range need to be included in the EIR so that it can be determined whether there is a realistic need for such units in San Francisco. The large number of units presently available (e.g. Bridge View Towers, Yerba Buena Lofts, The Brannan), as well as those already approved or under construction (e.g. Mission Bay, 333 First



Street, 325 Fremont Street, 200 Brannan) should also be factored into this evaluation.

E. Fire and Safety.

The ability of the Fire and Police Departments to respond to fire and other emergencies for these buildings is not discussed in the EIR. It should be noted that the Transbay EIR refers to the existing availability of fire and emergency medical services and the need for additional fire suppression personnel should the Redevelopment component of that project go forward. No such discussion is included in the EIR. That discussion needs to be placed in the context of the Transbay Terminal project as well as the Rincon Hill Mixed Use District. Particularly important is information as to whether there is the capability of promptly responding to such emergencies on the upper floors of such tall buildings. In a post 9/11 environment for buildings next door to the Bay Bridge, with four towers far taller than any other buildings in the area, such concerns must, unfortunately, be addressed.

F. Construction Noise and Disruption.

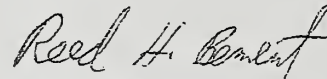
These two projects involve extremely major construction in an area which already has and is projected to have even more on-going large construction projects. Most importantly, in addition to the already underway 333 First Street project, the Transbay Terminal project is presently scheduled to begin construction at approximately the same time as the two subject projects. The Transbay Terminal project will reduce traffic lanes on the very streets here involved and will shift bus and other traffic to Folsom and may well result in the digging up of both Second and Main streets for a train tunnel. The Transbay Terminal itself, not even considering the development it is anticipated to produce, is a huge project which will involve a great deal of attendant noise, dust and the other disruptions caused by major construction. The impact of all of the construction that is planned for the area should be, but is not, included in the EIR, including the traffic congestion and discomfort to those who live and work in the area.

Those of us who now live in the neighborhood moved here on the representation of the City that the heights of buildings South of Market would gradually be scaled down from Market Street to China Basin and that no private buildings and no buildings of any sort of over 200 feet in height would be built on the sites under consideration. Over the past ten years a vibrant residential community has developed and continues to develop in the area. The neighborhood is not a "clean slate" for someone to experiment on with a design considered appropriate for an urban neighborhood. The building of downtown-sized office buildings in this area would destroy its intended and existing character. The EIR does not present a full and fair disclosure and discussion of the many issues raised by these projects so as to enable the public and the Planning Department to determine whether these projects are in the best interests of the neighborhood and the City.

Mr. Paul Maltzer  
November 18, 2002  
Page 6

I can be contacted at the above address or by telephone at 415/781-5088 (work) or 415/882-7871 (home).

Very truly yours,

A handwritten signature in cursive script that reads "Reed H. Bement". The signature is written in dark ink and is positioned above the printed name.

Reed H. Bement

**REED H. BEMENT**  
**75 FOLSOM STREET, #1800**  
**SAN FRANCISCO, CA 94105**

November 18, 2002

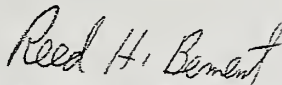
Mr. Paul Maltzer  
Environmental Review Officer  
S.F. Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103-2414

Re: 201 Folsom Street  
300 Spear Street

Dear Mr. Maltzer:

I enclose a Petition signed by a number of residents who live close by to the above two projects. I ask that the Petition be made part of the official record for these projects.

Very truly yours,

  
Reed H. Bement

Enclosure



November 6, 2002

Mr. Paul Maltzer  
Environmental Review Officer  
S.F. Planning Department  
1660 Mission Street  
San Francisco, CA 94103-2414

Re: 201 Folsom Street and 300 Spear Street

Dear Mr. Maltzer:

All of the undersigned are residents who live nearby to the above two proposed projects. We are writing to express our objections to the proposed projects as described in the Draft of the Environmental Impact Report for those projects.

The proposed projects are of vastly greater height and bulk than is now permitted for buildings in this area, which is becoming increasingly residential, and would result in buildings disproportionate to those which presently exist or are under construction or already approved. Buildings of 350-400 feet (35-40 stories) would be approximately twice the height or more than what is presently allowed. In addition to creating a visual blight on the neighborhood, buildings of such height and bulk would severely and negatively impact the views, light and sun of everyone who lives, works or visits the neighborhood as well as adversely effecting the already difficult parking and traffic conditions.

Those of us who now live in the neighborhood moved here on the representation of the City that the heights of buildings South of Market would gradually be scaled down from Market Street to China Basin. Over the past ten years a vibrant residential community has developed and continues to develop in the area. The building of downtown-sized buildings in this area would destroy its intended and existing character.

We urge that the proposed projects be rejected.

SIGNATURE

PRINT NAME

ADDRESS

<u>Reed H. Bement</u>	<u>Reed H. Bement</u>	<u>75 Folsom Street, #1800</u>
<u>Randy H. Katz</u>	<u>RANDY H. KATZ</u>	<u>75 FOLSOM #1100</u>

SIGNATURE	PRINT NAME	ADDRESS
<u>Marie Delepine</u>	<u>MARIE V. DELEPINE</u>	<u>75 Folsom #1105</u>
<u>Alexandra Owen</u>	<u>ALEXANDRIA OWEN</u>	<u>75 Folsom #1201</u>
<u>Laure Sizemore</u>	<u>LAURIE SIZEMORE</u>	<u>75 Folsom #1802</u>
<u>Will Rogers</u>	<u>Wm ROGERS</u>	<u>75 Folsom #1105</u>
<u>Linda Kloves</u>	<u>Linda Kloves</u>	<u>75 Folsom #802</u>
<u>Bob Yoshida</u>	<u>BOB YOSHIDA</u>	<u>75 Folsom - Security</u>
<u>Judith Patterson</u>	<u>Judith Patterson</u>	<u>75 Folsom #807</u>
<u>Jeanne Lam</u>	<u>JEANNE LAM</u>	<u>75 Folsom #806</u>
<u>Steve Smith</u>	<u>Steve Smith</u>	<u>75 Folsom #1102</u>
<u>Anne Bement</u>	<u>Anne Bement</u>	<u>75 Folsom #1800</u>
<u>Sam Macdonald</u>	<u>Sam Macdonald</u>	<u>75 Folsom #803</u>
<u>Gerald Houston</u>	<u>Gerald Houston</u>	<u>75 Folsom St 1200</u>
<u>Cheryl Chin</u>	<u>CHERYL CHIN</u>	<u>75 FOLSOME APT #154</u>
<u>Patrick Hynes</u>	<u>Patrick Hynes</u>	<u>75 Folsom #1103</u>
<u>R. Leichars</u>	<u>R. LEICHARS</u>	<u>75 FOLSOM, #1402</u>
<u>Roger Onofre</u>	<u>ROGER ONOFRE</u>	<u>75 FOLSOM - SECURITY</u>
<u>Roger Patterson</u>	<u>ROGER PATTERSON</u>	<u>75 Folsom #807</u>
<u>Terry Carlitz</u>	<u>TERRY CARLITZ</u>	<u>75 FOLSOM #804</u>
<u>Michael Carlitz</u>	<u>MICHAEL CARLITZ</u>	<u>75 FOLSOM #804</u>
<u>Tom Lefevre</u>	<u>TOM LEFEVRE</u>	<u>229 BRANNAN ST. #16C, SF</u>
<u>Veronica Watson</u>	<u>Veronica Watson</u>	<u>75 Folsom #1500</u>
<u>David Davari</u>	<u>David Davari</u>	<u>75 Folsom #1001</u>

November 6, 2002

Mr. Paul Maltzer  
Environmental Review Officer  
S.F. Planning Department  
1660 Mission Street  
San Francisco, CA 94103-2414

Re: 201 Folsom Street and 300 Spear Street

Dear Mr. Maltzer:

All of the undersigned are residents who live nearby to the above two proposed projects. We are writing to express our objections to the proposed projects as described in the Draft of the Environmental Impact Report for those projects.

The proposed projects are of vastly greater height and bulk than is now permitted for buildings in this area, which is becoming increasingly residential, and would result in buildings disproportionate to those which presently exist or are under construction or already approved. Buildings of 350-400 feet (35-40 stories) would be approximately twice the height or more than what is presently allowed. In addition to creating a visual blight on the neighborhood, buildings of such height and bulk would severely and negatively impact the views, light and sun of everyone who lives, works or visits the neighborhood as well as adversely effecting the already difficult parking and traffic conditions.

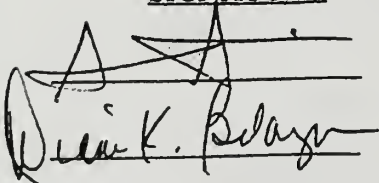
Those of us who now live in the neighborhood moved here on the representation of the City that the heights of buildings South of Market would gradually be scaled down from Market Street to China Basin. Over the past ten years a vibrant residential community has developed and continues to develop in the area. The building of downtown-sized buildings in this area would destroy its intended and existing character.

We urge that the proposed projects be rejected.

SIGNATURE

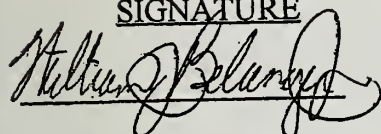
PRINT NAME

ADDRESS

  
Diane K. Belanger

Allie Khalatbari 75 Folsom, #1001  
Diane K. Belanger 75 Folsom #908



SIGNATUREPRINT NAMEADDRESS

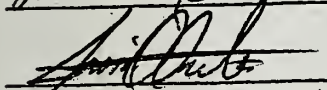
William J. Belanger, Jr

75 Folsom, #908

Tala M. Banatad

TALA M. BANATAD

75 Folsom, #1403



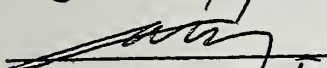
Jaime Olarte

75 Folsom, security

Rubbie Longerbeam

RUBBIE LONGERBEAM

75 FOLSOM-SECURITY



Eddie Wong

75 Folsom #1107

Anna M. Spicker

Anna M. SPICKER

75 Folsom #1602

Paulo Marini

Paulo Marini

75 Folsom #1002

G. Vanslett

G. VANSLETT

75 Folsom #800

K. Vanslett

K VANSLETT

75 FOLSOM #800

Robert A. Carter

Robert A. Carter

75 Folsom #1400

Boobye V. Carter

BOOBYE V. CARTER

75 Folsom #1400

Konstantin Oudov

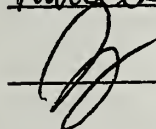
KONSTANTIN OUDOV

75 Folsom #1201

Patricia Picon Green

PATRICIA PICON GREEN

88 Howard St. #1916



John Kelley

75 Folsom #1400



**BAYCREST**  
*Residential Association*

RECEIVED  
DEC 02 2002  
PLANNING DEPT  
4:27 p.m.

December 2, 2002

Mr. Paul Maltzer  
Environmental Review Officer  
Planning Department  
30 Van Ness Avenue, 4th Floor  
San Francisco, California 94102

RE: Comments to DRAFT EIR, 201 Folsom and 300 Spear Street Projects

Dear Mr. Maltzer,

The following comments are those of the Board of Directors of BayCrest Towers Residential Association. These comments are a result of the Director's review of the Draft EIR for the 201 Folsom and 300 Spear Street projects. A sub-committee of the Board did meet with the Developer entities at a joint meeting on November 19<sup>th</sup> held at BayCrest. Please note: **these comments pertain to both projects unless specifically noted.**

**Chapter III Environmental Settings and Impacts:**

*C. Transportation Study Area:* The study area to the South ends at Bryant. By not going further South we believe a potential for problems exist without the inclusion of the Pier 30 & 32 Mixed-Use Project and the PacBell Ball Park impact of 80 games per year. These overlapping, in some cases, impacts should also include not only weekday but weekend and night games.

*Intersection Operating Conditions:* It is our understanding that intersection LOS were established with Beale Street in its current status, of being closed under the I80/BayBridge, this status will change eventually and we would ask for a revised LOS be prepared. This would show Beale Street open to thru traffic, one-way from Howard to Bryant Street as the designated Car-Pool Lane from the Financial District (3pm to 7pm M-F) to the lower deck of the Bay Bridge.

This on-going closure has put an undue strain on Main Street for both vehicle and pedestrian traffic. We believe significant impacts to both occur on Main especially from Harrison North on Main for at least 1 block. Mitigation in this area will be critical.

*Tables 4 & 5:* The intersections of both Bryant/Main and Bryant/Beale have recently been signalized and the data should be adjusted accordingly.

*Loading 201 Folsom St:* The placement of Loading Bays on Beale Street with the existing mid-block closure will create a dangerous situation. Beale Street pre 911 was a one-way street, because of its status as a "Postal Road", the multi bay dock currently used by the Post Office adjacent to 201 Folsom was an Ideal set up which did not require 18 wheeled trucks to turn around in the street. Now this is standard practice and it creates a hazard for the cars using Beale Street that is now configured as a two-way street. When a large truck is on Beale Street it cannot turn around and in many instances it must back down Beale Street to Folsom to turn around. The EIR should explore relocation of the Bays to Main Street as mitigation.

#### **Chapter IV. Mitigation Measures**

*Construction Mitigation:* We request that construction mitigation's be called for in the EIR that are identical to the mitigation's agreed to and used by the S.F. Giants during the construction of Pac Bell Park. A great deal of thought and time was put into developing those mitigations and they worked effectively for both the surrounding community and the project owner and contractor.

#### **Chapter VI, Alternatives to the Proposed Project**

*B. Alternative B: No Traffic Impacts:* We request that the aforementioned comments relate and be revised to pertain to Alternative B.

*C. Alternative C: Existing Height and Bulk Controls:* We request that the aforementioned comments relate and be revised to pertain to Alternative C.

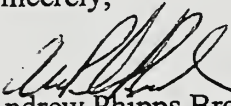
*D. Alternative D: Reduced Development Under Requested Rezoning:* We request that the aforementioned comments relate and be revised to pertain to Alternative D

*Impacts:* We would request that the three alternatives B, C&D have the inclusion of massing models and /or photo simulations so as to asses the impact of the designs of each on public views. We also request that the EIR should include massing models and/or photo simulations for the currently allowable height limits and density requirements for the site. Comparison of these with the massing model/photo simulations of the B, C&D Alternatives will provide for a more complete assessment of the impacts on public views for each and provide for a more thoughtful analysis of the alternatives to the proposed projects.



On behalf of the Board of Directors and Owners of BayCrest, thank you for considering these comments to the Draft EIR for the 201 Folsom and 300 Spear Street Projects.

Sincerely,



Andrew Phipps Brooks  
General Manager

RECEIVED  
DEC 02 2002  
PLANNING DEPT  
4:5 p.m.

Bobbie Carter  
75 Folsom Street, Unit 1400  
San Francisco, CA 94105

December 2, 2002

Mr. Paul Maltzer  
Environmental Review Officer  
S.F. Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103-2414

Dear Mr. Maltzer

Re: 201 Folsom Street and 300 Spear Street

As a resident of the Rincon Hill area, I am writing to express my concerns regarding the above projects. I attended the Planning Department's meeting which addressed the adequacy and accuracy of the draft environmental impact reports (EIR) for both projects. I left the meeting feeling very disturbed by what I regarded as misinformation of issues.

I am not opposed to continued development of the Rincon Hill area. It is a wonderful mixed-use environment, and it should remain such! I do not feel that the opposing views were clearly stated, and I would like to address a number of issues.

As a general point, it would be irresponsible to move forward with either of these two projects until an overview of proposed and/or planned projects are reviewed and considered in total – Such projects include the Transbay Terminal/ Caltrain Extension projects which will add 3400 to 4700 residential units, in addition to office and commercial space. Please note that the Rincon Hill Mixed Use District Plan, and the EIR is out of step. The EIR is isolating these two projects, and not giving proper consideration to the combined effects of all projects - Greater building bulk, increased pollution, traffic congestion, reduced parking, decreased open space, compromised sunlight, and increased wind intensity.

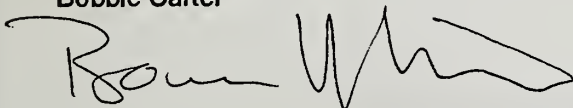
The EIR contains numerable inconsistencies and omissions, which are apparent upon close examination. Many of these are highlighted in the letter to you by Mr. Reed H. Bement, dated November 18, 2002.

I would like to pinpoint an additional crucial item. San Francisco is a unique city, and our waterfront is precious. To change current zoning to permit height restriction increases would be disastrous, and compromise the integrity of the waterfront. The existing guidelines were established to preserve our waterfront and surrounding areas.

I ask the S.F. Planning Department to take a hard look at the existing Draft EIR, and consider the inadequacies and omissions. It would be tragic to allow ourselves to be controlled by the power of developers. At the public hearing on November 26, 2002, it was obvious that the PR machinery of the developers was already well geared up.

Progressive growth and development are vital components of our future. Let us expand our community with respect for our history, preservation of our environment, and optimal use of our natural resources. Please consider the importance of a more complete and detailed EIR addressing the areas of concern in total.

Bobbie Carter



Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

RECEIVED  
PLANNING DEPT

November 6, 2002

Dear Mr. Maltzer:

After reviewing the Draft Environmental Impact Reports (EIR) for the projects at 300 Spear and 201 Folsom, I believe the negative impact that these projects will have on the area have not been adequately addressed and have strong doubts that these projects, as they are currently proposed, will support some of the Planning Department's objectives.

The following are some of my concerns and questions:

1. The EIR indicates that full build-out of the two projects would negatively impact three traffic intersections. However, since the scale ends at delays longer than 60 seconds, it is not clear just how severely these three intersections will be affected. Will it be two, three or twenty minutes? Hours? I also find it misleading, to identify just the three intersections that will fall into the F level as significant. With these projects, a total of **EIGHT** intersections will fall into the E or F level (undesirable and unacceptable, respectively).

What about those intersections that are currently rated F? It is not clear how long the current delays are and how much longer the delays will become. Just how many F rated intersections can we really tolerate in this area before it becomes a crisis and how many more F rated intersections will there be if we take into consideration the other proposed or approved projects like 333 First Street?

2. The EIR states that if the projects were completed in 2002, there would be a significant air quality impact with ROG (reactive organic gasses) and NOx (nitrogen oxides) exceeding BAAQMD's limit of 80 pounds per day. The report attempts to conclude that this would not be an issue in 2003-4 because of improvements in the statewide automobile fleet, attrition of older vehicles and improved fuel mixtures. Where is the evidence for this conclusion? What are the current ROG and NOx production units per day and how many more pounds of ROG and NOx will these projects bring into our environment? The air quality data in Table 8 of the 300 Spear EIR shows no trend in the reduction of pollutants over the 1995 - 2000 period. How can we reasonably conclude air quality will improve without any evidence?
3. The EIR also did not address the San Francisco Fire Department's capacity to handle **FOUR** additional high-rises in this city. Fires in high-rises require a very large number of fire fighters/rescue workers because of the need to move heavy rescue equipment up many flights of stairs. Will there be enough fire fighters/rescue workers available to handle emergencies in one or more of these towers? Fires typically follow major earthquakes, what will happen if we have another major earthquake?
4. The EIR clearly indicates these projects will affect traffic conditions, air quality, wind intensity and light quality, but there is no indication of the cumulative affects of these and other proposed/approved projects in the area such as 333 First Street. If the planning department does not critically evaluate the cumulative affects, who will?



The Planning Department's mission is, "...the orderly and harmonious use of land, and improved quality of life for our diverse community and future generations." I am not convinced these projects support this mission. I also believe they violate several of the department's objectives for the area.

**Objective 4: TO PROVIDE QUALITY HOUSING IN A PLEASANT ENVIRONMENT THAT HAS ADEQUATE ACCESS TO LIGHT, AIR AND OPEN SPACE**

The shadows from the towers will certainly reduce the amount of light access and air quality will diminish for everyone in the area. The existing open space will be occupied by these projects and the towers will most nearly completely enclose 300 Beale and significantly reduce its residents' light quality.

**Objective 7: TO ACHIEVE AN AESTHETICALLY PLEASING RESIDENTIAL COMMUNITY**

The height and scale is inconsistent with the other buildings in the area and will in no way complement or enhance the aesthetics of the existing residential community.

**Objective 9: TO RESPECT THE NATURAL TOPOGRAPHY OF THE HILL AND FOLLOW THE POLICIES ALREADY ESTABLISHED IN THE URBAN DESIGN ELEMENT WHICH RESTRICT HEIGHT NEAR THE WATER AND ALLOW INCREASED HEIGHT ON THE TOP OF HILLS.**

The rezoning along with height and bulk changes proposed is not on the top of the hill and may very well dwarf the existing structures on the top of Rincon Hill.

**Objective 24: TO PROVIDE SUFFICIENT OFF STREET PARKING SPACE FOR RESIDENTS.**

According to the EIR, there will be fewer parking spaces available to the public than currently exists.

**Objective 26: TO REDUCE CONGESTION AT BRIDGE RAMPS BY IMPROVING LOADING PATTERNS.**

According to the EIR, the project will create more traffic congestion at three intersections.

I question the benefits these proposed projects will bring. Ignoring the impact, especially those relating to health and safety, is negligent and I urge you and your colleagues at the Planning Department to reconsider appropriateness of these proposals.

Regards,



Alexandria Chun



# Department of Toxic Substances Control



Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721

RECEIVED  
OCT 18 2002  
PLANNING DEPT

Gray Davis  
Governor

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

October 18, 2002

Mr. Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, California 94103

Dear Mr. Maltzer:

Thank you for the opportunity to review the Draft of the Environmental Impact Report for the 201 Folsom Street Project (SCH#2001072092). The project is located on the south side of Folsom Street between Beale and Main Streets in San Francisco. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California health and Safety Code, Division 20, Chapter 6.8. As a resource agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substance release. DTSC provided comments on the Initial Study and Notice of Preparation on August 21, 2001.

The CEQA document is for a proposed 1.7 acre residential development of 1,130,000 gross square feet (gsf), consisting of 820 dwelling units, about 30,000 gsf of retail and approximately 880 underground parking spaces. The project also includes 270 above grade enclosed replacement parking spaces for the use of the Postal Service Annex. This project will require rezoning of the property.

The initial study indicates that limited soil and groundwater sampling has been conducted and that chemicals have been detected in the soil and groundwater from past operations and from filling of the property. In our August 21, 2001 letter, DTSC recommended that the Environmental Impact Report describe the sampling and analysis conducted, the levels of chemicals detected, and whether the soil contains chemicals at levels which would require it to be handled as a hazardous waste for disposal purposes. We further recommended that the Environmental Impact Report include an analysis of environmental impacts associated with the remediation of any contamination present. For example, if the remediation activities include the need

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*



for soil excavation, the EIR would include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local, state or federal standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) the risk of upset should there be an accident at the Site. These risks are anticipated to be different from those associated with general construction. Contamination at the Site must be addressed as part of the development project or prior to development. If chemicals remain in soil and/or groundwater following development at levels which pose a significant risk to public health and/or the environment or if cleanup goals for this Site are based upon an exposure scenario other than unrestricted land use, land use restrictions which run with the land should be required to ensure that subsequent owners or occupants of the property are informed about conditions at the Site and to ensure that any remedy installed at the Site remains protective of public health and the environment.

The EIR did not include this information. Therefore, DTSC reiterates its previous comments and provides the following additional comments for your consideration.

1. Based upon the language in the EIR, Page 171, Section IV, Hazards, the Site must be cleared of all hazardous materials prior to initiation of construction of the development project. The EIR identifies the San Francisco Department of Public Health as the lead agency for response actions associated with hazardous materials at the Site. Therefore, DTSC recommends revising the EIR to require the following activities prior to initiation of soil movement at the Site: 1) San Francisco Department of Public Health (DPH) concurrence that the Site has been adequately characterized; and 2) DPH approval of a site mitigation plan for the development Site. DTSC further recommends revising the EIR to require DPH concurrence and approval of the report stating that all hazardous materials have been removed from the development Site prior to initiation construction activities on the development Site. DTSC or the San Francisco Bay Region, Regional Water Quality Control Board (RWQCB) may also provide oversight for site characterization and/or response action implementation. If the Draft EIR is subsequently revised and will not require removal of all hazardous materials from the development Site, we request an opportunity to review and provide comment upon the revised language.
2. The EIR (page 171, Section IV, Hazards, Paragraph 3) indicates that the report stating that all hazardous materials have been removed from the development site and describing the steps taken to comply with this mitigation measure must be certified by a Registered Environmental Assessor or similarly qualified individual. The report must also comply with the California Business and



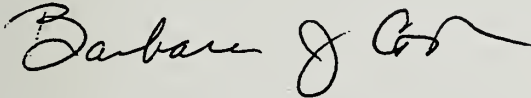
Professions Code. All engineering work must be certified by an appropriately registered California professional engineer. All geological work must be certified by a California registered geologist or certified engineering geologist. The report must also contain sufficient information for regulatory agencies to verify that all hazardous materials have been removed. This should include copies of hazardous waste manifests, bills of lading, figure(s) showing sampling locations, and all analytical results, including but not limited to those for soil confirmation samples, groundwater analytical samples, and waste characterization samples. Tables should be used to ease review.

3. The EIR (Page 1, Section I.A, Paragraph 2) indicates that there will be a three-level underground parking garage. The total depth of the excavation required to construct the underground parking garage was not included, nor was the anticipated depth to groundwater. However, given the proximity of the development Site to the San Francisco Bay, it is likely that groundwater will be encountered and dewatering will need to be conducted. Therefore, DTSC has the following concerns:
  - A. Given the size of the development project, it is likely that dewatering will influence groundwater in the area. DPH approval of an analysis to determine the potential impacts of this dewatering on areas of known groundwater contamination should be required prior to initiation of soil movement at the Site. This will determine if engineering controls or other methods should be required to minimize the movement of groundwater into the excavation.
  - B. Groundwater analytical results from the Site were not provided in the EIR, although the Initial Study indicates that groundwater has been sampled and analyzed. Therefore, it is unclear what, if any, treatment would be required, whether treatment would occur onsite or offsite, whether there is sufficient space within the footprint of the development project to conduct these activities, and whether a permit is required for the treatment system.
4. Please clarify how the environmental impacts of any required response actions will be analyzed and addressed within the California Environmental Quality Act process.

Mr. Paul Maltzer  
October 18, 2002  
Page Four

Please contact Janet Naito of my staff at (510) 540-3833 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara J. Cook".

Barbara J. Cook, P.E., Chief  
Northern California - Coastal Cleanup Operations Branch

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

Mr. Guenther Moskat  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Stephanie Cushing  
San Francisco Department of Public Health  
1390 Market Street, Suite 210  
San Francisco, California 94102

Mr. Ben Helber  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, California 94103



"Pat Fodor"  
<pat.fodor@sbcglobal.net>

11/24/2002 06:34 PM

To: <paul.maltzer@sfgov.org>  
cc: <shelley.bell@sfgov.org>, <michael.antonini@sfgov.org>, <edgar.boyd@sfgov.org>, <lisa.feldstein@sfgov.org>, <kevin.hughes@sfgov.org>, <sue.lee@sfgov.org>, <william.lee@sfgov.org>, <linda.avery@sfgov.org>, <gerald.green@sfgov.org>, <debbie.davis@sfgov.org>, <ben.helber@sfgov.org>, <tom.anniamo@sfgov.org>, <chris.daly@sfgov.org>, <clarkm@hellermanus.com>  
Subject: Items 2000.1090E and 2000.1073E to be Reviewed at the Nov. 26 Public Hearing

Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street  
Suite 500  
San Francisco, CA 94103

Re: Items 2000.1090E and 2000.1073E (Items 5 and 6, respectively on the Nov. 26 Commission Agenda)

Dear Mr. Maltzer:

Unfortunately, I am unable to attend this Tuesday's Planning Commission Meeting, at which I understand that you and the members of the Department will review the above-referenced items. In this regard, I am objecting to the associated re-zoning of these parcels for the following reasons:

- (1) The Draft Environmental Impact Reports for 300 Spear and 201 Folsom, respectively, admit that these projects will negatively impact three traffic intersections; when, in fact, eight will be impacted.
- (2) The Reports acknowledge that the air quality will diminish further to levels that have not been addressed.
- (3) The Reports indicate that, in addition to traffic and air quality, these projects will affect wind intensity and light quality -- all of which are inconsistent with the overall mission of the Planning Department, and therefore do not justify the re-zoning.
- (4) The height, scale and bulk of these buildings, not to mention the additional burdens which four more high-rises will place on the San Francisco Fire Department, cannot be considered complementary to the existing or even planned residential communities.
- (5) Finally, re-zoning of these parcels cannot and should not be considered independent of the larger, and far more significant Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project (Item 2000-048E), which will have an even greater impact on the above-mentioned issues.

It will be irresponsible for the Planning Department to consider anything other than the rejection of the requested re-zoning of these two parcels. I look forward to your acknowledgement that my opinions will become a matter of record at Tuesday's Public Hearing. Thanks in advance.

Regards,



Patricia J. Fodor  
Homeowner  
75 Folsom Street #1203  
San Francisco, CA 94105-6104  
+1(415)640-4027  
[pat.fodor@sbcglobal.net](mailto:pat.fodor@sbcglobal.net)

Helter

Peter Hartman, AICP  
300 Third Street, No. 310  
San Francisco, California 94107

November 22, 2002

Ms. Shelly Bradford-Bell  
President, San Francisco Planning Commission  
1660 Mission Street  
San Francisco, CA 94103

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DEC 04 2002  
PLANNING DEPT DEC 01 2002

CITY & COUNTY OF S.F.  
DEPT. OF CITY PLANNING  
ADMINISTRATION

Dear President Bradford-Bell:

I am writing in support of maintaining the current 1:1 off-street minimum parking requirement for the proposed residential development projects at 300 Spear Street and 201 Folsom Street. I understand that the San Francisco Planning Department is considering applying a maximum parking requirement which is less than the current 1:1 minimum, resulting in less than one parking space per unit for both projects. As a resident of the neighborhood and a resident of a nearby high-rise, mixed-use building, I believe that this would be a mistake.

First, the current 1:1 requirement is already below not only national and state automobile ownership ratios, but also below the ratio for San Francisco. As currently reported by the US Department of Transportation and the California Department of Finance, the average number of automobile registrations per household is 1.78 for the US, 1.65 for California and 1.12 for San Francisco. A 1:1 requirement, or 1.0 autos per household, is already lower than the city's. A more restrictive maximum parking requirement to discourage current levels of automobile ownership is unnecessary, the current regulations already do this.

But I feel there is a second, and at least as important reason, for maintaining the current ratio, and that is personal choice. Developing one parking space per unit will allow each resident the opportunity to keep an automobile or not. The choice will be up to the individual. A powerful argument for projects of this scope is the availability of alternative transportation modes in the area. And I'm sure many residents will take advantage of this. One of the benefits of center-city living is the wide range of transportation choices available. I believe that public policy should provide citizens with greater opportunities and options, not fewer. Not providing parking for some units will narrow transportation options for those individuals. It should certainly be up to the individual, not the state, to make personal transportation decisions.

Finally, I myself live in a high-rise building similar to the two under consideration. Each unit in our building has access to one parking space. I own an automobile that I keep there. But because of the transportation options available to me (including walking to work) I use my car almost exclusively on weekends for trips that would be difficult if not impossible by other means. And I know that my situation is typical of many if not most of the residents of the other 232 units in our building. The idea that residents will eschew public transit for automobiles by virtue of having unrestricted access to an automobile is wrong.

The present 1:1 parking requirement strikes a reasonable balance between restricting automobile access and preserving individual choice, and in this location should not encourage auto use at the expense of alternative transportation modes. Both projects should provide 1:1 residential off-street parking.

Sincerely,

  
Peter Hartman, AICP

**Peter Hartman, AICP  
300 Third Street, No. 310  
San Francisco, California 94107**

cc: Gerald Green  
Director, San Francisco Planning Department  
1660 Mission Street  
San Francisco, CA 94103

Alex Clemens  
Project Consultant, 300 Spear  
Reputation LLC  
1375 Sutter Street, Suite 330  
San Francisco, CA 94109





SERVICE PLANNING • SAN FRANCISCO MUNICIPAL RAILWAY

1145 Market St, Ste 402. • San Francisco, CA 94103 • (415) 934-3999 • Fax: (415) 934-5747

MEMORANDUM



To: Paul Maltzer, Major Environmental Assessment  
Through: Peter Straus, Mgr. of Service Planning  
From: James D. Lowé, Transit Planner  
Subject: 201 Folsom Street; 2000.1073E  
Date: 7 Oct. '02

RECEIVED  
OCT 23 2002  
PLANNING DEPT

The San Francisco Municipal Railway Service Planning staff have the following comments regarding the proposed of 820 residential units and mixed-uses at 201 Folsom Street.

In general, we support the construction of housing in the downtown as a land-use policy. We believe an increase in residential densities will bring more "life" into the downtown during the evenings and weekends.

Muni utilizes a cumulative approach whereby 63 passengers equals one coach of demand with the system assumed at capacity. The project will generate 145 new outbound PM peak trips, this equates to 2.3 coaches of demand. The residential work trips are generally considered mitigated at the office end of the trip.

As noted in the report, since parking demand exceeds the number of parking spaces being supplied by the project sponsor, it behooves the project to offer TSM incentives. This should include: City CarShare, CommuterChex and perhaps incentives to residents that do not own cars. For example, offering cash back to residents that do not own a car nor use their designated parking space is one possible idea.

Prior to the construction phase, please contact our Street Operations and Special Events Office at 554-9286 to coordinate construction activities and mitigate transit delays.

Cc: F. Stephens, Gen. Mgr.  
P. Straus, Mgr. Service Planning  
S. Nickerson, TIDF Coordinator  
JDL, SP Chron

November 6, 2002

Mr. Paul Maltzer  
Environmental Review Officer  
S.F. Planning Department  
1660 Mission Street  
San Francisco, CA 94103-2414

Re: 201 Folsom Street and 300 Spear Street

Dear Mr. Maltzer:

All of the undersigned are residents who live nearby to the above two proposed projects. We are writing to express our objections to the proposed projects as described in the Draft of the Environmental Impact Report for those projects.

The proposed projects are of vastly greater height and bulk than is now permitted for buildings in this area, which is becoming increasingly residential, and would result in buildings disproportionate to those which presently exist or are under construction or already approved. Buildings of 350-400 feet (35-40 stories) would be approximately twice the height or more than what is presently allowed. In addition to creating a visual blight on the neighborhood, buildings of such height and bulk would severely and negatively impact the views, light and sun of everyone who lives, works or visits the neighborhood as well as adversely affecting the already difficult parking and traffic conditions.

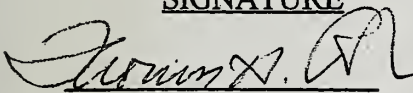
Those of us who now live in the neighborhood moved here on the representation of the City that the heights of buildings South of Market would gradually be scaled down from Market Street to China Basin. Over the past ten years a vibrant residential community has developed and continues to develop in the area. The building of downtown-sized buildings in this area would destroy its intended and existing character.

We urge that the proposed projects be rejected.

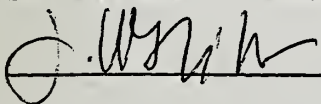
SIGNATURE

PRINT NAME

ADDRESS



THOMAS BURKHARDT 461 2ND ST #151, SF, CA



JORGE CASTILLO 461 2ND ST. #255  
San Francisco  
CA.

SIGNATUREPRINT NAMEADDRESS

*G. Campani*  
*Edw. J. Polak Jr.*  
*Stephen Hiley*  
*Chik We Mou*

GEORGE CANELANI

Edward J. Polak Jr.

Stephen Hiley

Chik We Mou

461 ~~SECOND~~ ST 459 SF

461 2nd St. #104 SF 94107

461 2nd St. #134 SF 94107

461 2nd St. #106 SF 94107

*Molly Last*  
*Elizabeth Curney*  
*ANNA EVANS*

Molly Last

Elizabeth Curney

ANNA EVANS

461 2ND ST #113 SF 94107

461 2nd St #459 SF 94107

" " #336 "



Letter to Planning  
Commission, and  
SAN FRANCISCO BOARD OF  
SUPERVISORS  
SAN FRANCISCO, CALIFORNIA

He/be  
Lloyd Schloegel  
c/o General Delivery  
SAN FRANCISCO, CALIF  
NOVEMBER 26, 2002

RECEIVED  
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CITY & COUNTY OF S.F.  
DEPT. OF CITY PLANNING  
ADMINISTRATION  
RECEIVED  
DEC 05 2002  
PLANNING DEPT

COMMENTS ON 201 Folsom Street Proposal. 2000.1073E,  
DRAFT ENVIRONMENTAL IMPACT REPORT, November 26, 2002,  
Agenda Item #6.

This is a second proposal to build a two-tower apartment complex, 30 or more stories high, rising from a common base, on Folsom Street, between Beale and Main Streets, about four blocks from the BAY. The final development here will also contain about 820 dwelling units in two towers standing 300 feet to 400 feet tall. The lot on which this project is proposed has been used as a large downtown surface parking lot.

This project also stands directly opposite about forty high rise office towers on the North Side of Market Street. This is an industrial area, not a residential area. However, new buildings containing housing already exist nearby. This proposal also lacks an intelligent sense of scale and would concentrate too many dwelling units in one place. People usually do not like to live in high rise downtown apartment buildings. The project would include about 880 enclosed private parking spaces and about 270 enclosed parking spaces for the USPS, and other government agencies.

The people who proposed this project do not like our City and they have no talent for City Planning. They are wasting money. This is another example of over-building without there being a demand for it.

The proponents of this scheme are presenting us with a test of our political will, to see how long it will take for us to stop them. We need another building moratorium to stop unnecessary building projects. The simple existing use as a downtown parking lot should be retained.

Lloyd Schloegel  
November 26, 2002

Sept 16, 2002  
RECEIVED

SEP 18 2002

PLANNING DEPT

Dear Mr. Paul Metzger,

I am greatly concerned with any more construction on Rincon Hill, an additional 820 residential units would be adding insult to injury. The traffic congestion, and erosion of quality of life are my main concern. As a owner + resident at Baycrest tower-Horizon at Beale I am against any further construction.

Yed Alesberg  
201 Horizon #1014  
S.F. Cal. 94105  
415-957-5975

October 28, 2002

RECEIVED  
OCT 28 2002  
PLANNING DEPT



Mr. Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Dear Mr. Maltzer:

**Re: 300 Spear Street Project and 201 Folsom Street Project Draft Environmental Impact Reports (Planning Department File No. 2000.1090E and No. 2000.1073E)**

Golden Gate Bridge, Highway and Transportation District (District) staff appreciates the opportunity to review and comment on the above-reference Draft Environmental Impact Reports (DEIRs). District has the following comments regarding the potential impact of the projects on Golden Gate Transit (GGT) bus services between San Francisco and North Bay counties of Marin and Sonoma.

1. The 300 Spear Street DEIR acknowledges the relocation of bus stops along the entire Folsom Street frontage (pg. 129), between Main and Spear Streets, during the project's construction. The District appreciates the acknowledgement and the contractor's initiative in coordinating the possible relocation of the bus stops with the District and San Francisco Department of Parking and Traffic. The suggested relocation of these bus stops would require substantial scrutiny and analysis since this critical facility has significant operational and financial impacts on regional transit services between San Francisco and North Bay counties. GGT buses use the stops as layover stops for basic service Routes 10, 20, 50, 60, 70, and 80 that provide regional transit services for more than four million patrons per year.
2. District has concerns about the nature of the suggested relocation of bus stops along the Folsom Street frontage of the 300 Spear Street project between Main and Spear streets. Given the critical role of GGT transit service at those stops, District recommends mitigation for the relocation of these stops to be included as part of the project's Final EIR if the relocation would be on a permanent basis. District is also interested in the opportunity to provide regional transit services to the new residents who will live in the development.
3. The 201 Folsom Street DEIR does not mention the GGT bus stop at Folsom Street nearside Main Street at the northern corner of the project. Construction may require adjustment or relocation of the bus stop that may require the same level of coordination as the frontage stops on Folsom Street addressed in the 300 Spear Street DEIR mentioned above.



Mr. Paul Maltzer  
October 28, 2002

Page 2

Thank you for the opportunity to comment on the DEIRs. If there are questions, please contact Maurice Palumbo, Principal Planner, at (415) 257-4431, or Franklin Wong, Associate Planner, at (415) 257-4534.

Very truly yours,



Alan R. Zahradnik  
Planning Director

ARZ:gj

c: Maurice P. Palumbo  
Franklin P. Wong

a:f:\AA\bus\Folsom and Spear DEIRs.102.doc

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## **EXHIBIT 2: TRANSCRIPT OF DRAFT EIR PUBLIC HEARING**

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1                               --000--

2                   SAN FRANCISCO PLANNING COMMISSION  
3                   CITY AND COUNTY OF SAN FRANCISCO  
4                   STATE OF CALIFORNIA

10  
11                   CITY PLANNING COMMISSION MEETING

12                   TUESDAY, NOVEMBER 26, 2002

13                   PROJECT 2000.1090E - 300 SPEAR STREET DRAFT EIR

14                               and

15                   PROJECT 2000.1073e - 201 FOLSOM STREET DRAFT EIR

16  
17  
18                   APPEARANCES:

19                   PRESIDING: COMMISSION VICE-PRESIDENT MICHAEL J.  
20                               ANTONINI; COMMISSIONERS WILLIAM L.  
21                               LEE, SUE LEE, KEVIN HUGHES,  
22                               DIRECTOR GREEN AND LARRY BADINER

1

--ooo--

2

## P R O C E E D I N G S

3

TUESDAY, NOVEMBER 12, 2002

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5

MR. ANTONINI: I'd like to call the

6

meeting to order again.

7

I'd like you to bear with me. This is

8

my first time chairing a thing and there

9

probably will be some problems but we'll try to

10

work through it as much as we can.

11

I had a request from Mr. Badiner to

12

bring forth a change in the calendar.

13

MR. BADINER: Commissioners, we've

14

had a request that we open the public hearing on

15

both the Folsom Street and the Spear Street

16

items at once.

17

They are right next to each other. I

18

think some of the comments will be repetitive,

19

otherwise.

20

So, I would recommend if it pleases you

21

that we call both items at once and allow

22

combined public comment and the standard is five

23

minutes per persons on each item but it is up to

1 the Commission President.

2 If there are a significant number of  
3 people, we can either shorten it as appropriate  
4 but I would recommend that we go with five  
5 minutes.

6 MR. ANTONINI: I would agree with  
7 that. I don't know do we need a motion to  
8 approve that?

9 MR. BADINER: No. I think we just  
10 call both items if the Commission Secretary will  
11 do that.

12 MR. ANTONINI: Okay.

13 That would be fine with me, Mr. Ionis,  
14 if you would like to call the next two items as  
15 a combined item.

16 THE CLERK: Okay.

17 I'd like to bring to your attention  
18 that we are now on our regularly scheduled  
19 calendar.

20 Item 5 and Item 6 are being called  
21 together. Public comment will be limited to  
22 those two items, once they are both presented.

23 Item 5 is Case No. 2000.1090E for 300



1 Spear Street, a public hearing on a Draft  
2 Environmental Impact Report and Item 6, Case No.  
3 2000.1073E for 2001 Folsom Street, a Draft  
4 Environmental Review Public Hearing.

5 MR. ANTONINI: Thank you.

6 I'd like to acknowledge Mr. Badiner  
7 first for a staff report on these items.

8 MR. BADINER: Well, I'm going to  
9 ask whether the Environmental Planners have  
10 anything they wish to add.

11 This is a public comment. We are here,  
12 essentially, to listen and to take public  
13 comments and, ultimately, those will be collated  
14 and responded to but, with that, I'm going to  
15 turn it over to Mr. Helber.

16 MR. HELBER: Thank you.

17 Good afternoon, Commissioners. I'm Ben  
18 Helber on the staff of the Environmental  
19 Analysis Section of the Planning Department.

20 The items before you are case No.  
21 2000.9 -- I'm sorry, 2000.1090E, 300 Spear  
22 Street and 2000.1073E, 201 Folsom Street.

23 These are environmental documents

1 prepared to satisfy the requirements of the  
2 California Environmental Quality Act or CEQA.

3 Today's action are public hearings on  
4 the adequacy and accuracy of the information in  
5 the Draft EIRs for the projects.

6 There will be no decision today to  
7 approve or disapprove either project.

8 We are here today to receive comments  
9 from the public and yourselves regarding the  
10 draft EIRs as a part of the environmental  
11 process as required by state environment laws.

12 The major components of the 201 Folsom  
13 Street project are the rezoning of the project  
14 site and adjacent properties to the south and  
15 east and the construction of  
16 a mixed-use development containing up to eight  
17 hundred and twenty dwelling units, thirty  
18 thousand gross square feet of retail space and  
19 about eight hundred eighty enclosed parking  
20 spaces of which two hundred seventy spaces would  
21 be replacement parking for the U.S. Government.

22 The major components of the 300 Spear  
23 Street Draft EIR are the rezoning of the project

1 site and adjacent properties to the south and  
2 west and the construction of a mixed-use  
3 development containing up to eight hundred and  
4 twenty dwelling units, sixty thousand gross  
5 square feet of retail space, about fifty  
6 thousand gross of square feet of office space  
7 and about nine hundred sixty underground parking  
8 spaces.

9 The draft documents were advertised and  
10 released for public review and comment beginning  
11 September 14th, 2002.

12 Testimonial comments on the  
13 environmental document will be received today  
14 and the written comments for this environmental  
15 document, actually, both of these environmental  
16 documents has been extended.

17 The period during which staff will  
18 accept written comments on either environmental  
19 document has been extended from the previously  
20 noticed date of October 29th to next Monday,  
21 December 2nd.

22 A Court Reporter is transcribing this  
23 hearing so that we may have an accurate record



1 of the testimony.

2 I ask that all speakers speak clearly,  
3 slowly and loudly so the Reporter can produce an  
4 accurate transcript of today's hearings.

5 The public and City Planning Commission  
6 should understand that the staff will not be  
7 responding today to any of the comments that we  
8 receive.

9 Following the comment period, the staff  
10 will prepare and publish a document titled  
11 "Draft Summary of Comments and Responses" that  
12 will contain a summary of all relevant comments  
13 on both Draft EIRs, actually, I'm sorry the  
14 draft summary comments response document will be  
15 produced for each document that will contain a  
16 summary of all relevant comments on the Draft  
17 EIRs and responses to those comments.

18 These Draft EIRs, together with their  
19 prospective Summary of Comments and Response  
20 documents will be considered by the City  
21 Planning Commission in an advertised public  
22 meeting and certified as a final EIR, if deemed  
23 adequate.

1                   If someone wishes to receive the  
2           Comments and Response Documents or to get on the  
3           distribution list, they also need to provide  
4           their address.

5                   Only when the final EIRs are certified  
6           will the Department request your consideration  
7           regarding project approval actions.

8                   This concludes my presentation on these  
9           matters and, unless the Commission members have  
10          any questions about the nature of these  
11          hearings, I respectfully suggest the public  
12          hearing on the Draft EIRs be opened.

13                   MR. ANTONINI:       Thank you and I would  
14          ask if any of the Commissioners have any  
15          questions in regards to the presentation?

16                   COMMISSIONERS:       (No response).

17                   MR. ANTONINI:       Seeing none, I have a  
18          question.

19                   Is the project sponsor to make any  
20          presentation at this time?

21                   MR. GREEN:           Well, if you would like  
22          to start with them, again, it's your call.

23                   MR. ANTONINI:       I think it might be

1 appropriate to have the project sponsor make his  
2 or her presentation first and then, after that,  
3 we will take public comment.

4 I think it might be more relevant if  
5 we've heard the presentation first.

6 MR. GREEN: We've actually got I  
7 think one spokesperson for both or you can have  
8 both come forward and in the order I guess of  
9 the calendar.

10 How much time do you want to give them  
11 each?

12 MR. ANTONINI: What is customary?  
13 Five minutes?

14 That sounds about right to me and I  
15 think what we should do is have the spokesperson  
16 for the two items come up in order since we are  
17 considering them together.

18 MR. GREEN: So, what you are really  
19 doing is just allowing the project sponsor to go  
20 first.

21 Normally, we just allow for comment  
22 period, and that's what again, this is about,  
23 not necessarily to present the project, but just



1 to present comments. So, if you want them to go  
2 first, then, ....

3 MR. ANTONINI: If it pleases the  
4 project sponsor, if that's fine with you, if  
5 you'd rather hear the public comment, I'm sure  
6 you will have a chance to retort afterwards or  
7 make comments after it's --

8 MR. TOSTA: Right. The nature --  
9 I'm Tim Tosta, representing Union Property  
10 Capital, one of the sponsors of 300 Spear  
11 Street.

12 The history of these hearings in San  
13 Francisco before the Commission has been one of  
14 the project sponsor like you sitting to hear  
15 what the comments on the environmental document  
16 are.

17 The project sponsor retains the  
18 environmental consultant and works with the  
19 Department to produce the draft document which  
20 you have before you today and is equally  
21 interested in the concerns of the community as  
22 to the adequacy of that document because that  
23 document must be found, ultimately, by you to be

1 sufficient in order for the project to move  
2 forward.

3 So, this is really not a day where the  
4 project sponsors actually get up and present the  
5 projects, per se, but, rather, wait with bated  
6 breath like you or maybe even more than you to  
7 hear what the nature of the comments are on the  
8 environmental document.

9 I know each project sponsor is here and  
10 I know that the developer of 300 Speer has a  
11 couple of documents to submit into the record at  
12 the appropriate time, and he put in a card Terry  
13 Sturnburg is his name and I know the other  
14 project sponsor also will make a short comment  
15 but as to a full presentation of the projects  
16 it's not traditionally been what the Commission  
17 has done.

18 So, we actually did not prepare to do  
19 that today and I, unfortunately, if we didn't  
20 meet your expectations, I apologize, but we are  
21 kind of keeping with, unfortunately, for me a  
22 more than twenty-year tradition how we have done  
23 these.

1                   So, hopefully, the documents speak for  
2 themselves. Thank you.

3                   MR. ANTONINI:       Very good.

4                   Well, thank you, and I don't want to  
5 change a long-term tradition.

6                   We will go with the next speaker here  
7 and then we will go on to public comment as soon  
8 as he's finished.

9                   MR. JUNIUS:   Vice President Antonini,  
10 members of the Commission, my name is Andrew  
11 Junius. I'm with Reuben & Alter and we  
12 represent the other project sponsor, Tishman  
13 Speyer Properties for 201 Folsom.

14                   I won't take any further time of yours.  
15 I think Mr. Tosta hit it right on the head.  
16 We're really here just to listen today.

17                   That's all CEQA is asking of us and, if  
18 we really go beyond that, I would be a little  
19 bit concerned about the noticed item and  
20 calendaring issues, et cetera.

21                   So, again, I think Mr. Tosta was  
22 correct. We are really just here to listen and  
23 take the comments and we will be back to you in



1 the future with further actions.

2 Thank you.

3 MR. ANTONINI: Thank you very much.

4 So, we are ready to begin with public  
5 comment and our first speaker is Robert Brandon  
6 and Mr. Brandon has submitted cards for both  
7 Items 5 and 6.

8 So, I'm going to hold comment to two  
9 minutes and you can speak first.

10 MR. BRANDON: Sir, if you are  
11 combining two items? Combining two items? You  
12 have ... Three minutes would be more  
13 appropriate.

14 MR. ANTONINI: Okay, all right.

15 What we will do is this. If you want  
16 to address both at the same time, you can have  
17 four minutes or if you want to make a comment on  
18 Item 5 now for two minutes and then come back  
19 later and do Item 6 for two minutes.

20 THE CLERK: Excuse me.

21 My understanding is we are combining  
22 two items together and, thereby, they will be  
23 speaking on both items at the same time.

1                   So, I don't know if you -- usually, for  
2                   environmental documents, I understand it is  
3                   usually just five minutes allotted for each  
4                   speaker.

5                   So, if you want to reduce that, you  
6                   might think each speaker would be allotted ten  
7                   minutes on a normal basis for both items.

8                   MR. BADINER:        Sorry, for the  
9                   confusion.

10                  I think what I would recommend is that  
11                  five minutes -- you can either talk on one or  
12                  talk on both and please identify which item you  
13                  are talking about.

14                  If your comments don't adhere to both,  
15                  if you're here specifically concerned about one  
16                  item or the other, please state that -- is what  
17                  I would recommend -- but I would recommend we  
18                  allow five minutes and everyone should have five  
19                  minutes.

20                  MR. BRANDON:        On this procedure, if  
21                  I may, just talking about the procedure, we're  
22                  evaluating the successfulness of the EIRs today,  
23                  there are two of them combined together.

1                   As far as I'm concerned, both projects  
2                   are wrong and it really was, I think a mistake  
3                   to take them separately, I mean to take them  
4                   together, it really would have been much better  
5                   to take them separately because both projects  
6                   would be roundly condemned and the committee  
7                   should be very clear which project should be  
8                   condemned and, in fact, perhaps both projects  
9                   should be condemned.

10                  THE CLERK:       All right. Thank you,  
11                  sir. We'll take that into consideration.

12                  MR. ANTONINI:       I think we are going  
13                  to grant you five minutes to speak and also at  
14                  the end of the discussion, are they allowed to  
15                  come back and speak another time?

16                  Okay. We'll give you five minutes to  
17                  speak on both items, sir. So, you can begin  
18                  now.

19                  MR. BRANDON:       Well, thank you.

20                  Members of the Commission, my name is  
21                  Roger Brandon, and we are talking about two  
22                  proposals here today.

23                  One at 300 Spear Street and another at



1       201 Folsom Street and both of them, as it is  
2       turns out, are located on Folsom Street.

3               This is a proposal to build a  
4       thirty-story high rise, a thirty to forty-story  
5       high rise apartment building.

6               There is almost no other thing like  
7       this in the City and this is on the south side  
8       of Market in the midst of a business and an  
9       office district.

10              It's not residential district. It is  
11      an office district and office workers,  
12      traditionally, don't like living in downtown  
13      office districts.

14              They don't like the difficulty -- this  
15      is a -- this type of large building, would be  
16      the largest building down on this side and it  
17      would be interfering with other nice housing  
18      units that have been set up there.

19              It -- one of the sites on Spear Street  
20      is only -- it is two blocks from the Bay. The  
21      other is three or four blocks from the Bay.

22              It is sitting also -- first of all, it  
23      would disturb the housing that's there and it's

1 sitting right across from the north that large  
2 Market Street financial development which has  
3 some about forty -- forty-story buildings,  
4 thirty or forty-story buildings up there which I  
5 think would have a potential for disturbing  
6 dwelling units in this particular area.

7 These buildings, these projects are  
8 being located on building sites that are very  
9 large, very large flat surface parking lots in  
10 the downtown area.

11 They happen to be somewhat more  
12 economical parking than you might find in most  
13 places.

14 We think this is a very poor planning  
15 idea and the City should not be doing it.

16 I have a map with me here that shows  
17 what the projects would look like, both of them  
18 are thirty or forty-story towers, two twin  
19 towers rising three or four hundred feet and  
20 this is just not any type of ideal housing.

21 Okay. It seems to me that the real  
22 estate speculators and the radical supporters  
23 are making another bid to ruin the City. Too

1 much money is available lately for unnecessary  
2 building projects.

3 These projects, if completed, may be  
4 under-utilized for many years as so many have  
5 been, attracting a temporary group which will be  
6 disturbing to other business and/or housing  
7 developments in the downtown area.

8 It seems to me that someone is trying  
9 to build a City for us that does not work. They  
10 are trying to ruin our City.

11 The City is proposing to build a whole  
12 series of new structures without there being  
13 much demand for this along many vacant lots on  
14 Folsom Street which were previously used as  
15 surface parking lots.

16 It seems to me also that the and, by  
17 the way, both of these projects look the same  
18 way, they're Twin Towers, they're twin tower  
19 high-rise apartment buildings.

20 These builders are presenting us with a  
21 test of our political will to see how long it  
22 will take for us to stop them.

23 This proposal is wrong, both proposals



1 are wrong, and it seems to me that we need  
2 another building moratorium lasting several  
3 years which would work this time and stop  
4 unnecessary building projects.

5 Okay. To summarize, and this is with  
6 regard to both projects, there is no demand for  
7 this project. We are wasting money.

8 Again, people do not like to live in  
9 high-rise downtown apartment buildings.

10 The present use of the site as a large  
11 flat parking lot is good and this use should be  
12 preserved.

13 So, this project is not necessary and,  
14 in my judgment, should be stopped.

15 MR. ANTONINI: Thank you.

16 Before we proceed with the next  
17 speaker, I would like to make two announcements.

18 The first is that written comments can  
19 be taken in addition to your verbal comments up  
20 until December 5th on this project.

21 Second, December 2nd, okay, and the  
22 other comment is that the scope of today's  
23 discussion is to speak upon the draft

1 environmental impact report. That is, whether  
2 or not this report addresses the environmental  
3 concerns of these projects as opposed to a later  
4 hearing which we will deal with approval or  
5 disapproval of them, per se.

6 Now, I realize that this is sometimes a  
7 fine line and, certainly, comments are welcome  
8 but if you could try to address the  
9 environmental issues that are raised in these  
10 reports and whether they adequately speak to  
11 these issues, that would be our interest here.

12 So, the next speaker would be Sue  
13 Hestor.

14 MS. HESTOR: Good afternoon,  
15 Commissioners.

16 This is a very interesting day. You  
17 have a lot of housing issues on your calendar.  
18 Unfortunately, they are coming to you in a very  
19 disjointed manner.

20 I have read a lot of EIRs and I see  
21 problems on this one that I have seen in others  
22 but they are exacerbated by the number of  
23 housing projects that you have coming before you

1           today.

2                       This EIR has an analysis of land use  
3           and zoning and planning consistency around in  
4           the fifty to eighty page section of the -- I  
5           have the 300 EIR, the 300 Spear EIR here and  
6           what's lacking here is a housing context.

7                       Well, one of the things that we are  
8           lacking is a housing context, in part, because  
9           we are lacking a compliant housing element which  
10          would be very valuable to have that discussion  
11          here at the Planning Commission but housing is  
12          not -- all housing is not created equal.

13                      There is needed housing in terms of the  
14          ABAG allocation to the City for affordability,  
15          and the last time there was a report for the  
16          Planning Commission which was over a year ago,  
17          on how we were doing about meeting our housing  
18          goals in one of those periodic reports.

19                      It showed that we had saturated the  
20          market for above market rate housing and we were  
21          way behind on worker, you know, basically  
22          working class people housing that we were doing  
23          okay and making something of a dent in low



1 income housing.

2 What you have is one of the largest  
3 areas in the City in the South of Market and you  
4 have these two EIRs. You have the mid-market  
5 rezoning EIR. You have the Transbay EIR.

6 You have the little SUD for 4th and  
7 Fremont and another little exemption at 601  
8 King.

9 All of these are coming in under the  
10 rubric of affordable housing creation, mostly  
11 housing creation.

12 We need quantitative information that  
13 tells what the housing context South of Market  
14 is. How many units were there? What was the  
15 affordability level in 1970, 1980? 1990? 2000?

16 South of Market historically has  
17 provided a very large resource of affordable  
18 housing and what we have is a transition in the  
19 EIRs that you have here as well as the 557 - 4th  
20 Street project to be predominantly very high-end  
21 housing.

22 We are in a situation where we have  
23 limited land available for housing. This is a

1 land use issue.

2 How much land are we developing to well  
3 above market rate housing? The entire  
4 waterfront, except for a couple of projects that  
5 were developed by Delancey Street and a couple  
6 of other nonprofits.

7 We have created a market where if you  
8 have a million dollars to spend or ten million  
9 dollars to spend for a condo, you are very well  
10 served but average folks aren't well served and  
11 low income people are even more poorly served.

12 You have about two thousand units of  
13 market rate, not one affordable unit of  
14 live/work which is really housing.

15 We have no picture here. What  
16 decisions are we making that benefit the  
17 developer, economically? What is the  
18 developers' windfall from this versus what is  
19 the affordability level? Is this the best use  
20 of the City's land?

21 When you add up all of these rezoning  
22 areas at the same time, how much are we getting  
23 of affordable housing?

1                   How much are we getting for million  
2                   dollars condos? How much are we getting for the  
3                   people at the City Hall who are looking for  
4                   housing?

5                   That picture is missing in all of these  
6                   EIRs. You do not have a housing context that  
7                   you can understand and it needs to come through  
8                   in the EIR.

9                   I don't want the staff to say, "well,  
10                  that will come through on the staff report on  
11                  the zoning" because it is something that has to  
12                  be in the EIR.

13                  What are the land use implications on  
14                  housing south of market? Add them all up to put  
15                  it in all the EIRs. Thank you.

16                  MR. ANTONINI:           Thank you.

17                  Our next speaker is Orelious Walker.

18                  REVEREND WALKER:       Honorable  
19                  Commissioners, I am Orelious Walker, a Pastor of  
20                  the True Hope Church.

21                  Also, I serve in the capacity as  
22                  President of the Care and Restoration Home,  
23                  Incorporated, and I come to speak in reference



1 to 300 Spear project, Union Property Capital.

2 Approximately, a year ago I had a dream  
3 of building affordable housing in  
4 Bayview/Hunter's Point.

5 The church I pastor is located on 950  
6 Gillman Avenue and the church has just completed  
7 an expansion of a two-million dollar project  
8 with child daycare, Head Start, and all of that  
9 and I've been losing especially middle income  
10 people in my congregation and I counted up  
11 about, oh, about (in) ten or fifteen years we've  
12 lost anywhere from twenty-five to thirty  
13 families and they are immediately -- middle  
14 income we are talking about, immediately went on  
15 the outside of San Francisco and bought property  
16 because they love to remain in San Francisco.

17 I have two daughters I lost out of the  
18 City that had to go do the same thing and I've  
19 heard of the other project I'm not going to  
20 speak on that, but we were the first project  
21 that come before this Commission -- the other  
22 Commission prior to the new Commissioners  
23 sitting on this plan -- coming on this

1 Commissioner Board, and they approved the  
2 project in connection with the Union Capital  
3 because, with the inclusion of legislation, the  
4 developer was able to build off site and get  
5 double credit on their credit for building  
6 off-site.

7 And one of the things that came to my  
8 attention when I agreed to work with this  
9 project, with this developer, is that his idea  
10 although he was building at 300 and Spear in the  
11 future but he wanted to build affordable housing  
12 where there was really the need because you talk  
13 about nonprofit organizations -- building  
14 housing in San Francisco but, in Bayview Hunters  
15 Point, that was nil.

16 We did not get any nonprofit  
17 organization building housing out there but here  
18 come a developer that was willing to team with  
19 our group and that was exciting to me.

20 So, that is why that I come to support  
21 this project today, because people in my  
22 community and my neighborhood, there's other  
23 pastors that have extra parking lots.

1                   The church I pastor, we have about  
2                   thirty thousand square feet. They're going to  
3                   build twenty middle income housing there for  
4                   middle income people because, in some instances,  
5                   I found out in this town, the City that we are  
6                   looking out basically as much as possible now  
7                   I'm going to say as much as possible for the low  
8                   income, but the middle income we have almost  
9                   deserted.

10                   So, this project perfectly speaks to  
11                   this twenty -- this twenty-town housing unit  
12                   exclusively for middle income people.

13                   Secondly, there is no way that the  
14                   congregation could have thought about doing  
15                   anything about housing, but with teaming up with  
16                   the developer, the developer did not want any  
17                   City money, any state or federal money, but  
18                   they're going to bring the funds and they're  
19                   going to develop that themselves.

20                   So, I think that this is a tremendous  
21                   project. I have talked to several people about  
22                   it. I got a call from West Virginia last night  
23                   wanting to know how we're doing it here.



1                   Other people think this is a tremendous  
2 project, and you heard this afternoon so many  
3 people, homeless people having hope when you  
4 have a project like this.

5                   So, I think I would encourage this  
6 Commission to vote for this project, support  
7 this type of project, and you will become the  
8 Commissioners that San Francisco will love and  
9 respect.

10                   Thank you very much.

11                   MR. ANTONINI:           Thank you, Mr.  
12 Walker.

13                   Our next speaker is Elizabeth ... looks  
14 like "Carney" on here. I apologize if that  
15 isn't correct.

16                   MS. CARNEY:       That is correct.

17                   That is correct. I'm Elizabeth Carney.  
18 Thank you for the opportunity to speak to you  
19 for a moment today.

20                   I wanted to mention that it seems that  
21 the EIR document does not address some of the  
22 previous uses of this property, and ask the  
23 Commission to consider that the sub-surface

1 parking requirement be amended to take into  
2 account the need for bus storage and maintenance  
3 for Golden Gate and AC Transit for the Transbay  
4 Terminal.

5 This would be a way that diesel bus  
6 parking exhaust and noise could be appropriately  
7 filtered and traffic-wise because these  
8 properties are much closer to the Transbay  
9 Terminal than where this functionality is  
10 projected in the Transbay EIR. It would  
11 function much better.

12 Thank you.

13 MR. ANTONINI: Thank you.

14 The next speaker is Jim Chappell.

15 Someone going to speak on his behalf? Does he  
16 have a card? Okay. Hold on just a second, sir.  
17 Have you filled out a card to speak?

18 VOICE IN AUDIENCE: No.

19 MR. ANTONINI: Okay. I think we  
20 are going to have to have you wait until the  
21 end.

22 MR. GREEN: Mr. Vettel, we just  
23 wanted to make sure that you wanted to --

1                   MR. ANTONINI:           There were some  
2                   procedural problems here. I think we have got  
3                   it right. Now, you can go ahead at this time.  
4                   Thank you.

5                   MR. VETTEL:           Steve Vettel.  
6                   Jim Chappell, who's the President of  
7                   SPUR, the San Francisco Planning and Urban  
8                   Research Association asked me to speak on his  
9                   behalf. He had to leave.

10                  SPUR has reviewed the EIRs for both  
11                  projects, believes they're adequate in all  
12                  respects and SPUR supports both projects.

13                  As you probably know, one of the  
14                  focuses that SPUR has really focused on over the  
15                  last several years is the housing crisis in San  
16                  Francisco, the need for more housing of all  
17                  kinds, both affordable and market rate.

18                  The statement made by Ms. Hestor that  
19                  we've saturated the market with market rate  
20                  housing we believe is incorrect, that there is  
21                  plenty of capacity left and plenty of need left  
22                  for housing of all income levels, you've  
23                  probably read in the newspaper recently that the



1       housing prices in the Bay Area and in San  
2       Francisco continue to rise, despite the  
3       downslide in the economy.

4               So, we believe that these projects are  
5       going to go a long ways toward addressing the  
6       housing need and that we can address the housing  
7       crisis on all levels, both market rate and  
8       affordable, these projects do both.

9               Thank you.

10              MR. GREEN:       Let me -- on behalf of  
11       the Commission -- remind everybody Mr. Vettel  
12       did start out with demonstrating that he read  
13       the document and that there is adequacy.

14              The purpose of this hearing is to  
15       solicit comments about the adequacy of this  
16       document in either addressing the issue or an  
17       issue has been left.

18              You know, it is appropriate to say the  
19       project is good, the project is bad, but our  
20       comments that we are going to have to deal with  
21       is whether or not this document adequately  
22       analyzes a subject matter or subject matter is  
23       left out and it needs to be dealt with.

1                   So, again, I know I'm preaching to the  
2 choir here and I would like to make sure your  
3 comments are focused in that fashion, please.

4                   MR. ANTONINI:           Thank you, Director  
5 Green.

6                   Our next speaker would be Judith  
7 Patterson.

8                   MS. PATTERSON:        . Good afternoon.

9                   I'm Judith Patterson. I live on Folsom  
10 Street. I'm on the Transbay CAC, and the South  
11 Beach-Rincon Hill CAC.

12                  I'm opposed to these two projects not  
13 because they are residential, retail mixed use  
14 projects, but because of their height and I  
15 think the height issues -- the EIR and the  
16 report does not address what sixteen hundred  
17 units will do to the neighborhood.

18                  I think that the current zoning is  
19 about two hundred fifty, maybe two hundred feet,  
20 and these buildings will be four hundred --  
21 three hundred and four hundred.

22                  It is quite an addition to that  
23 neighborhood and there are traffic issues, light

1 issues, wind issues, sun issues that are not  
2 complete in the EIR.

3 So, I think it needs to be a more  
4 thorough study and I hope that you will not -- I  
5 hope that you will recommend that.

6 That's all. Thank you.

7 MR. ANTONINI: Thank you. Our next  
8 speaker is Alexandria Chun.

9 MS. CHUN: Good afternoon.

10 My name is Alexandria Chun and I'm a  
11 resident of the Rincon Hill neighborhood. I'm  
12 here to talk about the Draft Environmental  
13 Impact Report for the projects at 300 Spear and  
14 201 Folsom.

15 I'm very happy to see that these  
16 reports were done and appreciate the efforts of  
17 everyone who made it happen.

18 I want to encourage everyone here to  
19 examine the impact on these projects with  
20 greater scrutiny by bringing to your attention  
21 some of the issues not adequately addressed in  
22 the reports, in particular, the decline in air  
23 quality.



1           The EIRs indicate that if the projects  
2           were to be completed in 2002, the level of  
3           reactive organic gasses and nitrogen oxides  
4           would exceed the Bay Area Air Quality Management  
5           District's limits of eighty pounds a day.

6           It then attempts to conclude that this  
7           will not be an issue, if the projects were  
8           completed in 2002, 2003 and 2004.

9           The problem with this conclusion is  
10          that there is no data to support it. The data  
11          cited in the EIRs showed no trend in the  
12          reduction of pollutants between 1995 and 2000.

13          The EIR also fails to discuss the  
14          health risks poor air quality it will cause.

15          It seems air quality issues have been  
16          trite to many of us and is often ignored but the  
17          fact is studies have shown over and over that  
18          poor air quality will increase the risk of  
19          respiratory disease and cancer.

20          If the plan is to create more housing  
21          and bring more people into the community, it  
22          needs to be done responsibly and that includes  
23          developing a community that will not create and

1           cause the members to become ill.

2                       By the way, one segment of the  
3           population that is the most susceptible to poor  
4           air quality are children, and the EIR has  
5           mentioned only one day care facility in the  
6           area. There is actually at least two others.  
7           There's one on 220 Spear and the one on Mission  
8           Street between Main and Beale in the PG&E  
9           building.

10                      Another issue that's missing from the  
11           EIR is Fire Department's capacity to handle four  
12           additional high-rises at the proposed height and  
13           density in San Francisco.

14                      Fires and high-rises require a very  
15           large number of fire rescue workers because of  
16           the need to move heavy rescue equipment up many  
17           flights of stairs.

18                      It's not clear if we have enough fire  
19           fighters and rescue workers to handle an  
20           emergency on one or more of these towers.

21                      Fires typically follow major  
22           earthquakes. What will happen if we suffer  
23           another major earthquake or terrorist attack?

1 Have these types of emergencies been addressed?

2 Finally, I would like to emphasize the  
3 need to plan responsibly by looking at the  
4 impact of these projects within the context of  
5 the planned and proposed developments in the  
6 area.

7 Clearly, the impact of traffic, air  
8 quality and wind among other issues would be far  
9 greater when all the projects are combined than  
10 if they were analyzed independently, we have a  
11 chance to build a great community in this area  
12 and I urge everyone here to take the opportunity  
13 to do so by examining the impact of these  
14 projects with greater care and diligence to  
15 ensure they will not jeopardize the health and  
16 safety of the community members.

17 Thank you.

18 MR. ANTONINI: Thank you.

19 Our next speaker is Bobby Carter.

20 MS. CARTER: Hi. My name is Bobby  
21 Carter.

22 I have a few comments on the Draft  
23 Environmental Impact. I did read through this



1 quite thoroughly and I was rather amazed to find  
2 issues that were glazed over and ill-addressed.

3 I think it would be irresponsible to  
4 act upon an impact study that was done not  
5 considering issues that were reported in the  
6 study to be not applicable.

7 Some of these were traffic issues. I  
8 know that, depending on the hour of day, it's  
9 virtually impossible for me at this stage to  
10 exit my residence.

11 I don't think that issues such as the  
12 parking and ballpark location and how that has  
13 affected residents in the area has been  
14 adequately addressed and how a project of  
15 sixteen hundred units, residential units, would  
16 impact this area.

17 I'm very concerned about the topography  
18 and how projects of this size much greater in  
19 magnitude, the height restrictions were placed  
20 there for a purpose and we look at violating  
21 this residential mixed use community by  
22 extending these height restrictions not just  
23 minimal increases, but totally out of proportion

1 to anything in the City.

2 Obviously, someone here has not  
3 addressed these issues. I feel the study is  
4 grossly incomplete.

5 I think that the traffic and parking  
6 needs to be addressed. I'm also concerned about  
7 wind and light issues in this area.

8 Anyone who frequents the financial  
9 district in the City knows that it is a virtual  
10 wind tunnel. It is dark. It is not conducive  
11 to good residential area which is why the area  
12 is not heavily inhabited.

13 I know my husband and I looked at  
14 residential properties in that area and chose to  
15 live elsewhere with light and adequate  
16 ventilation.

17 I just feel that this study is not  
18 adequate and I would highly urge you to  
19 institute a plan to further investigate how a  
20 building of this magnitude would impact our  
21 resources and our quality of life here.

22 Thank you.

23 MR. ANTONINI: Thank you.

1                   Our next speaker is Michael Ene, I  
2 think it is E-n-e?

3                   VOICE IN AUDIENCE:     He had to leave.

4                   MR. ANTONINI:         He had to leave.

5                   Okay.

6                   Our next speaker is Reverend Townsend,  
7 it looks like.

8                   REVEREND TOWNSEND: .     Thank you. Mr.  
9 President, Commissioner members, my name is  
10 Arnold Townsend.

11                   Just a couple of brief comments on the  
12 draft EIR. I'm not only finding it adequate,  
13 I'm awfully glad that it was done, that it was  
14 done as timely as it was, and I hope that very  
15 soon we can move forward with this project.

16                   Yes, these two towers -- these are two  
17 very tall towers, but one of the things I have  
18 discovered in working in the housing and  
19 development field for some years now is that  
20 while this proposed development may be a little  
21 outside the box, I have been in the box for  
22 quite a few years and the answer to our housing  
23 problem is not in there and, unless we get



1 outside and become creative, we are certainly,  
2 certainly going to only find ourselves in more  
3 and more trouble when it comes to trying to  
4 house those people who want to live in San  
5 Francisco.

6 One thing I do want to bring to your  
7 attention connected with the EIR not mentioned,  
8 one of the things that this project has done and  
9 Reverend Walker talked about it briefly, this  
10 project -- we were pioneers on this project with  
11 using this project to create instead of having  
12 this project have inclusionary and affordable  
13 housing, we took the affordable housing offsite  
14 and offsite we have created so far twenty two  
15 and three-bedroom homes that will sell in San  
16 Francisco for under three hundred thousand  
17 dollars in the Bayview Hunters Point.

18 Now, that's only twenty homes. We have  
19 still got about a hundred more units to go that  
20 we will be using not only Bayview Hunters Point,  
21 we're looking at a project right now where half,  
22 and if the governing body of the agency that  
23 controls the land approves us, we will build

1       housing where fifty percent, a minimum of fifty  
2       percent of those units will go to people who are  
3       on Section 8, who are on Section 8, and they  
4       will use their Section 8 to buy down their  
5       mortgage and become homeowners.

6               This is done in other cities; never  
7       been done in San Francisco because our houses  
8       just cost too much money.

9               That won't happen without this project,  
10      these two projects and other projects like them,  
11      and so that's why when Ms. Hestor was talking  
12      about "what about the middle income and worker  
13      housing?" This project, first of all, the  
14      people who live there most of them will be  
15      working somewhere.

16              They may not work the kind of jobs I  
17      work but they will be working somewhere.

18              Secondly, it is creating what we call  
19      worker housing all over our City and in places  
20      where we need new homeowners desperately and  
21      this came about as Pastor Walker said because we  
22      discovered in our churches we were losing  
23      members out of the City and it is not just

1 African-American churches.

2 We have talked with people from the  
3 Archdiocese, people from the Jewish Federation,  
4 the Minister from the Buddhist Church in Japan  
5 Town and they're all suffering the same  
6 experience that young people, middle income  
7 people, when they try to buy homes, they have to  
8 leave the City but this kind of partnership,  
9 this -- not only does this partnership give us  
10 the kind of for-sale housing we need, it kind of  
11 gave folk an idea to create the project that was  
12 just before you. Before we got to this item,  
13 that project grew out of what we have done.

14 So, not only do you need to approve  
15 this and we know that, you know, we have a  
16 problem in this town that many of us want  
17 progress until it gets to us.

18 We built our house. We -- when our  
19 homes were built, they messed up somebody else's  
20 air quality. They blocked somebody else's view  
21 but now we don't want any more because I have  
22 already been taken care of.

23 That's nimby'ism at its height, but

1       this project is the opposite of nimby'ism.

2               It has embraced another community that  
3       had a very basic need and we have already -- we  
4       are now waiting for the plans to come out of a  
5       -- out of the permit process so we can break  
6       ground.

7               These developers went ahead with the  
8       affordable housing project.. They put their fate  
9       in this Commission and in god to go -- we  
10      encouraged them on that part.

11              They went ahead with this, with  
12      approving the affordable before they even had  
13      their main project approved and let me tell you  
14      developers are watching to see if they get  
15      approved.

16              If they get approved, you're going to  
17      find folk lining up to do this kind of housing  
18      that will provide housing in other parts of the  
19      community.

20              We're looking at a project in the  
21      Sunset now. We're looking at a project in the  
22      Western Addition now that we hope are going to  
23      happen.



1                   So, this is just so extremely important  
2                   and I'm glad that they didn't leave -- Mr. Green  
3                   and his staff did not leave a lot of holes in  
4                   the EIR report because this is very important.  
5                   Thank you very much.

6                   MR. ANTONI:     Thank you, Reverend  
7                   Townsend.

8                   MR. GREEN:       Let me again ... keep  
9                   in mind next time you call Arnold Townsend, he's  
10                  going to take up all his time (laughter) but let  
11                  me remind everybody again that the intent of the  
12                  hearing is to solicit comments about the  
13                  adequacy of an analysis or whether analysis is  
14                  even there.

15                  So, I'd like everybody to keep that in  
16                  mind because we are looking to get comments here  
17                  and, again, for the benefit of our future, keep  
18                  Arnold Townsend's name on the side.

19                  So, when you call him, make sure you  
20                  limit his time because he is going to use it  
21                  all.

22                  MR. ANTONINI:     Our next speaker is  
23                  Gwenyth Borden.

1 MS. BORDEN: Hi. My name is Gwenyth  
2 Borden and I'm with the San Francisco Chamber of  
3 Commerce who's a member of the Housing Action  
4 Coalition and I'd like to address the Draft EIR  
5 and say that we feel that it adequately  
6 addresses the issues and, further to that point,  
7 in terms of air quality may I fully represent  
8 some of the benefits that you will experience as  
9 a result of the fact that more people can live  
10 in San Francisco.

11 The major fact that degrades air  
12 quality in this particular region is because of  
13 the in that particular area of the City is  
14 because of the Transbay traffic and if you  
15 actually build more housing which people can  
16 live in there's going to be a reduction in the  
17 Transbay traffic that people experience.

18 Additionally, there has to be some air  
19 quality improvements due to the fact that you're  
20 getting rid of the parking lots and you're  
21 replacing that with housing.

22 So, I think that those air quality  
23 issues probably would definitely see a long term

1 impact if more people can walk to work and they  
2 aren't driving their cars circling around the  
3 block in parking lots.

4 Then you actually will have a reduction  
5 in air quality and you'll also deal with the  
6 other environmental issues concerning our  
7 overall need for affordable housing and reducing  
8 traffic congestion.

9 Thank you very much.

10 MR. ANTONINI: Thank you.

11 Our next speaker is George Llamas.

12 VOICE IN AUDIENCE: He had to leave.

13 MR. ANTONINI: He had to leave,  
14 okay.

15 I don't have any more cards, so I would  
16 ask any other speakers who wish to speak on this  
17 subject to come forward at this time.

18 MS. MILLER: Mary Ann Miller.

19 I usually evaluate these EIRs for San  
20 Francisco Tomorrow but San Francisco Tomorrow  
21 has not actually reviewed my comments. So, they  
22 are just strictly my own.

23 I think that these two EIRs are

1 examples of very well prepared documents and  
2 they -- after all, an EIR is supposed to assist  
3 in the decision-making and, as Director Green  
4 has repeatedly said, they are not the decision  
5 process here but it is to assist you later with  
6 the background information that you need when  
7 the project comes back and you need a very good  
8 assessment of all the impacts, obviously, and  
9 you need to have the project laid out nicely for  
10 you.

11 I think that the alternatives are well  
12 expressed here. Sometimes, you know, you get a  
13 project that maxes out at what they are  
14 proposing which is the three hundred fifty and  
15 four hundred foot towers on both of these sites  
16 but you may later find that, you know, through  
17 circumstances you want to reduce that.

18 You can do that later when you decide  
19 on the project itself but I do want to point out  
20 because the next EIR that's coming up is so  
21 important, the Transbay Terminal one and, yet, I  
22 will speak on that and I think it is very  
23 inadequate in many many ways. One of the ways



1 is the wind impact and the shadow impacts.

2 You don't know what a redevelopment  
3 area that's being proposed under the Transbay  
4 terminal is going to have in the way of impacts  
5 but here, in these two documents, you know  
6 exactly what the wind impacts are going to be  
7 and they are all going to be over eleven miles  
8 per hour. They are going to be fourteen and  
9 even sixteen on certain spots on Main Street,  
10 and you need to know that.

11 The other thing very well done in these  
12 two EIRs is the diagrams that show the shadow  
13 effects.

14 You have nothing like that for the  
15 redevelopment areas that are going to be before  
16 you in the next item.

17 So, if you were to look at Page 149,  
18 you'd see some elegant diagrams that tell you on  
19 September 21st, on March 21st, on June 21st what  
20 the shadows are going to be.

21 Since you don't know what they are  
22 going to be from the proposed redevelopment  
23 project right next door, you might want to keep

1 in mind what's in those, you know, two EIRs. I  
2 think I have got the right number referenced at  
3 Page 149, very well done.

4 So, I would recommend that, you know,  
5 these are just about as good as EIRs will get.

6 The only thing I might wish for is a  
7 little bit more visualization of how the project  
8 is going to look, particularly, 201 Folsom which  
9 has five stories of above-grade parking.

10 I know the architects that I have been  
11 to look at their models and so on. They have,  
12 you know, lots of mitigation of that five  
13 stories above grade, they have three stories  
14 below grade, five stories above grade of  
15 parking.

16 It doesn't make for a very friendly  
17 face on the street, they're doing their best  
18 with it but I do think that, you know, we have  
19 to look at it over and over again.

20 When you get housing downtown and it's  
21 market rate, you are going to have parking  
22 because people want that in their units.

23 So, what's the effect of that? So,

1 look at it over and over again and you are going  
2 to see these kinds of projects.

3 So, ask yourselves, you know, what does  
4 that do to the street scape? What does that do  
5 to your perception of a building when you're  
6 looking up at five stories of parking above  
7 grade?

8 In the 201 Folsom, they do have retail  
9 at the lowest level and then they have, you  
10 know, so, in other words, it's levels two  
11 through six but, still, you know, it is a lot of  
12 parking at the eye level. Thank you.

13 MR. ANTONINI: Thank you.

14 Are there any further comments from the  
15 public in regards to this issue?

16 THE PUBLIC AUDIENCE: (No response).

17 MR. ANTONINI: Seeing none, I'm  
18 going to close public comments at this time.

19 I would like to ask the Commissioners  
20 if they want to make any comments in regards to  
21 these projects, in regards to the environmental  
22 impact report?

23 Commissioner Lee?

1                   COMMISSIONER LEE:           A question I  
2           guess on what would happen to AC Transit, the  
3           bus, that lot on which side they are located  
4           now, where would they move?

5                   And would that bring about an impact on  
6           the amount of diesel exhaust in that area?

7                   I don't know if you have that  
8           information or not. If not, ....

9                   MR. ANTONINI:           Mr. Green or the  
10          sponsor?

11                   MR. GREEN:           Thank you, Commissioner.

12                   We will take that as a comment from the  
13          Commission to be placed on the EIR. We will  
14          respond to it as part of the comments and  
15          responses document that will be published later  
16          on.

17                   COMMISSIONER LEE:           Right.

18                   Also, there was a question about day  
19          care centers and the potential impact of air  
20          pollution to the children at the day care  
21          centers.

22                   I think one is a few blocks away, the  
23          PG&E Day Care Center. I don't know what impact



1           that will have with the new building and the  
2           number of cars going in and out of the two  
3           high-rises. Thank you.

4                   VOICE IN AUDIENCE:     Thank you.

5                   MR. ANTONINI:         Thank you.

6                   As far as in regards to my comments on  
7           this, I had a couple of things that I noticed in  
8           the reading. One was in regards to the wind  
9           factor.

10                   Now, I read it that there would be an  
11           incremental increase of a mile per hour on the  
12           winds and the fifteen miles per hour winds were  
13           like the total wind.

14                   So, it may have been that I misread the  
15           report on that but that may be something that  
16           may need some clarification; I know one of the  
17           speakers had mentioned.

18                   I don't know that the winds would  
19           increase by fifteen miles an hour but, rather,  
20           would be increased by a lesser amount.

21                   The other issue that I looked at on  
22           this was in terms of the light and while there  
23           were considerable shadows, I think it seems as

1        though the buildings were erected in as narrow  
2        as possible configuration and they made a point  
3        of pointing out that the shadows on the parks  
4        that are proposed are somewhat minimal, and my  
5        final point in regards to traffic, I think there  
6        may be a tendency for there to be less pollution  
7        in regards to traffic.

8                As one speaker pointed out and as much  
9        as we would hope people living here would live  
10       here in lieu of living in the East Bay and  
11       driving across the Bridge or other areas that  
12       they would need to drive their automobiles to  
13       San Francisco and, by the same token, one would  
14       hope that employers would consider moving their  
15       businesses into the San Francisco area when more  
16       residents are living so close to the place where  
17       the sites of the businesses could be.

18               So, that was just my take on the  
19       environmental report from what I read.

20               MR. GREEN:        Okay.

21               Now, I'm not sure -- are there other  
22       comments about the document which we need to  
23       respond to in the response to comments?

1                   I mean, again, this is a comment that  
2                   will be memorialize I'm not sure how we will  
3                   respond to it but, if there are no other  
4                   comments, then I just simply want to acknowledge  
5                   that, while we are ending the verbal today, the  
6                   public hearing setting, I'm reminded by staff  
7                   that you have until December 2nd, 5:00 o'clock,  
8                   to provide written comments which ultimately  
9                   will be included in the response to comment  
10                  portion of the document which we will bring back  
11                  to you and, after considering whether or not the  
12                  response has been adequately addressed, then you  
13                  will be taking on the issue of certification  
14                  but, with that, unless you have any other  
15                  comments?

16                   COMMISSIONER LEE:            Yeah.

17                   I would like to comment are we asking  
18                   the staff to ask the Fire Department?

19                   Since this is going to be a high-rise  
20                   and the issue of earthquakes is a major issue of  
21                   San Francisco, what are the fire-fighting  
22                   capacity of the Fire Department to address these  
23                   tall buildings?

1 MR. ANTONINI: Okay, thank you.

2 So, I think I'm going to ask for a  
3 five-minute recess, if that pleases the staff  
4 and then we will consider the next item on the  
5 agenda.

6 [ITEMS 5 AND 6 CONCLUDED]

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2                               CERTIFICATE

3           STATE OF CALIFORNIA                               )  
4           CITY AND COUNTY OF SAN FRANCISCO               )     ss.

5                 I, EASTELLER BRUIHL, being a licensed and  
6                 certified shorthand reporter in and for the  
7                 State of California, do hereby certify that the  
8                 matters set forth in the within transcript are  
9                 true and correct; that the matter was taken down  
10                in machine shorthand by me at the time and place  
11                set forth and thereafter reduced to typewriting  
12                under my direction; and that the foregoing pages  
13                1 through to and including 56 comprise a true,  
14                complete, and correct transcription of the  
15                proceedings.

16                       I further certify that I am not a  
17                       relative or employee or attorney or counsel of  
18                       any of the parties hereto, nor a relative or  
19                       employee of such attorney or counsel; nor do I  
20                       have any interest in the outcome or events of  
21                       the action.

22                DATED:     November 29th, 2002.

23                               *Easteller Bruhl*  
                              Easteller Bruhl, CSR No. 3077



